

Amend HB 3201 (House Committee Report) as follows:

(1) On page 4, line 19, strike "and".

(2) On page 4, line 22, between "Code" and the period, insert the following:

; and

(37) railroad peace officers appointed by the public safety director of the Department of Public Safety under Article 2.121, subject to the limitations imposed by that article

(3) On page 4, between lines 22 and 23, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Article 2.121, Code of Criminal Procedure, is amended to read as follows:

Art. 2.121. RAILROAD PEACE OFFICERS. (a) The public safety director of the Department of Public Safety may appoint [~~up to 250~~] railroad peace officers who are employed by a railroad company to aid law enforcement agencies in the protection of railroad property and the protection of the persons and property of railroad passengers and employees. Each appointed officer has all the powers, privileges, and immunities of a peace officer while carrying out duties as a railroad peace officer within the boundaries of this state.

~~(b) [Except as provided by Subsection (c) of this article, a railroad peace officer may make arrests and exercise all authority given peace officers under this code when necessary to prevent or abate the commission of an offense involving injury to passengers and employees of the railroad or damage to railroad property or to protect railroad property or property in the custody or control of the railroad.]~~

~~[(c) A railroad peace officer may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7, Transportation Code.]~~

~~[(d)]~~ A railroad peace officer is not entitled to state benefits normally provided by the state to a peace officer.

(c) ~~[(e)]~~ A person may not serve as a railroad peace officer for a railroad company unless:

(1) the Texas Railroad Association submits the

person's application for appointment and certification as a railroad peace officer to the public safety director of the Department of Public Safety and to the executive director of the Commission on Law Enforcement Officer Standards and Education;

(2) the public safety director of the department issues the person a certificate of authority to act as a railroad peace officer; and

(3) the executive director of the commission determines that the person meets minimum standards required of peace officers by the commission relating to competence, reliability, education, training, morality, and physical and mental health and issues the person a license as a railroad peace officer; and

(4) the person has met all standards for certification as a peace officer by the Commission on Law Enforcement Officer Standards and Education.

(d) [~~(f)~~] For good cause, the public safety director of the department may revoke a certificate of authority issued under this article and the executive director of the commission may revoke a license issued under this article. Termination of employment with a railroad company, or the revocation of a railroad peace officer license, constitutes [~~shall constitute~~] an automatic revocation of a certificate of authority to act as a railroad peace officer.

(e) [~~(g)~~] A railroad company is liable for any act or omission by a person serving as a railroad peace officer for the company that is within the person's scope of employment. Neither the state nor any political subdivision or agency of the state is [~~shall be~~] liable for any act or omission by a person appointed as a railroad peace officer. The employing railroad company shall pay all [~~All~~] expenses incurred by the granting or revocation of a certificate of authority to act as a railroad peace officer [~~shall be paid by the employing railroad company~~].

(f) [~~(h)~~] A railroad peace officer who is a member of a railroad craft may not perform the duties of a member of any other railroad craft during a strike or labor dispute.

(g) [~~(i)~~] The public safety director of the department and the executive director of the commission may adopt [~~shall have the~~

~~authority to promulgate]~~ rules necessary for the effective administration and performance of the duties and responsibilities delegated to the directors [~~them~~] by this article.