

BILL ANALYSIS

S.B. 390
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State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law does not exempt certain federal agents from public disclosure requirements relating to personal contact information. In addition current state law refers to the United States Immigration and Naturalization Service, which is now named the United States Citizenship and Immigration Services, and the United States Customs Service, which is now named the United States Immigration and Customs Enforcement Agency.

S.B. 390 updates the Code of Criminal Procedure to reflect current federal agency names and exempts certain federal officers from the release of personal information.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 390 amends Articles 2.122(a) and (c), Code of Criminal Procedure, to provide that certain criminal investigators of the United States, including the Special Agents of the United States Immigration and Customs Enforcement, rather than the United States Customs Service, are not deemed peace officers, but are required to have the powers of arrest, search and seizure as to felony offenses only under laws of the State of Texas.

S.B. 390 provides that a Customs and Border Protection Officer of the United States Customs and Border Protection or a Border Patrol agent, immigration enforcement agent, or deportation officer of the Department of Homeland Security is not a peace officer under the laws of this state but, on the premises of a port facility designated by the commissioner of the United States Customs and Border Protection as a port of entry for arrival in the United States by land transportation from the United Mexican States into the State of Texas or at a permanent established border traffic check point, has the authority to detain a person pending transfer without unnecessary delay to a peace officer if the agent or officer has probable cause to believe that the person has engaged in conduct that is a violation of Section 49.02 (Public Intoxication), 49.04 (Driving While Intoxicated), 49.07 (Intoxication Assault), 49.08 (Intoxication Manslaughter), Penal Code, regardless of whether the violation may be disposed of in a criminal proceeding or a juvenile justice proceeding. Deletes existing text referring to an agent of the United States Customs Service, text relating to the United States Department of Justice, and text relating to the United States Immigration and Naturalization Service.

S.B. 390 amends Section 552.1175(a), Government Code, to provide that this section applies only to certain persons, including to criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure, and police officers and inspectors of the United States Federal Protective Service. S.B. 390 makes nonsubstantive changes.

S.B. 390 reenacts and amends Section 25.025(a), Tax Code, as amended by Chapters 594 (H.B. 41), 621 (H.B. 455), and 851 (H.B. 1141), Acts of the 80th Legislature, Regular Session, 2007, to provide that this section applies only to certain persons, including to a criminal investigator of the United States as described by Article 2.122(a), Code of Criminal Procedure, and a police officer or inspector of the United States Federal Protective Service. Makes nonsubstantive changes.

S.B. 390 makes application of changes made by this Act to Section 552.1175, Government Code, and Section 25.025, Tax Code, prospective.

EFFECTIVE DATE

September 1, 2009.