

1-1 By: King of Parker (Senate Sponsor - Wentworth) H.B. No. 3201  
1-2 (In the Senate - Received from the House May 18, 2009;  
1-3 May 22, 2009, read first time and referred to Committee on Criminal  
1-4 Justice; May 22, 2009, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the designation of certain fire marshals and related  
1-9 officers, inspectors, and investigators and certain railroad peace  
1-10 officers as peace officers.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article 2.12, Code of Criminal Procedure, is  
1-13 amended to read as follows:

1-14 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
1-15 officers:

1-16 (1) sheriffs, their deputies, and those reserve  
1-17 deputies who hold a permanent peace officer license issued under  
1-18 Chapter 1701, Occupations Code;

1-19 (2) constables, deputy constables, and those reserve  
1-20 deputy constables who hold a permanent peace officer license issued  
1-21 under Chapter 1701, Occupations Code;

1-22 (3) marshals or police officers of an incorporated  
1-23 city, town, or village, and those reserve municipal police officers  
1-24 who hold a permanent peace officer license issued under Chapter  
1-25 1701, Occupations Code;

1-26 (4) rangers and officers commissioned by the Public  
1-27 Safety Commission and the Director of the Department of Public  
1-28 Safety;

1-29 (5) investigators of the district attorneys', criminal  
1-30 district attorneys', and county attorneys' offices;

1-31 (6) law enforcement agents of the Texas Alcoholic  
1-32 Beverage Commission;

1-33 (7) each member of an arson investigating unit  
1-34 commissioned by a city, a county, or the state;

1-35 (8) officers commissioned under Section 37.081,  
1-36 Education Code, or Subchapter E, Chapter 51, Education Code;

1-37 (9) officers commissioned by the General Services  
1-38 Commission;

1-39 (10) law enforcement officers commissioned by the  
1-40 Parks and Wildlife Commission;

1-41 (11) airport police officers commissioned by a city  
1-42 with a population of more than 1.18 million that operates an airport  
1-43 that serves commercial air carriers;

1-44 (12) airport security personnel commissioned as peace  
1-45 officers by the governing body of any political subdivision of this  
1-46 state, other than a city described by Subdivision (11), that  
1-47 operates an airport that serves commercial air carriers;

1-48 (13) municipal park and recreational patrolmen and  
1-49 security officers;

1-50 (14) security officers and investigators commissioned  
1-51 as peace officers by the comptroller;

1-52 (15) officers commissioned by a water control and  
1-53 improvement district under Section 49.216, Water Code;

1-54 (16) officers commissioned by a board of trustees  
1-55 under Chapter 54, Transportation Code;

1-56 (17) investigators commissioned by the Texas Medical  
1-57 Board;

1-58 (18) officers commissioned by the board of managers of  
1-59 the Dallas County Hospital District, the Tarrant County Hospital  
1-60 District, or the Bexar County Hospital District under Section  
1-61 281.057, Health and Safety Code;

1-62 (19) county park rangers commissioned under  
1-63 Subchapter E, Chapter 351, Local Government Code;

1-64 (20) investigators employed by the Texas Racing

2-1 Commission;  
 2-2 (21) officers commissioned under Chapter 554,  
 2-3 Occupations Code;  
 2-4 (22) officers commissioned by the governing body of a  
 2-5 metropolitan rapid transit authority under Section 451.108,  
 2-6 Transportation Code, or by a regional transportation authority  
 2-7 under Section 452.110, Transportation Code;  
 2-8 (23) investigators commissioned by the attorney  
 2-9 general under Section 402.009, Government Code;  
 2-10 (24) security officers and investigators commissioned  
 2-11 as peace officers under Chapter 466, Government Code;  
 2-12 (25) an officer employed by the Department of State  
 2-13 Health Services under Section 431.2471, Health and Safety Code;  
 2-14 (26) officers appointed by an appellate court under  
 2-15 Subchapter F, Chapter 53, Government Code;  
 2-16 (27) officers commissioned by the state fire marshal  
 2-17 under Chapter 417, Government Code;  
 2-18 (28) an investigator commissioned by the commissioner  
 2-19 of insurance under Section 701.104, Insurance Code;  
 2-20 (29) apprehension specialists and inspectors general  
 2-21 commissioned by the Texas Youth Commission as officers under  
 2-22 Sections 61.0451 and 61.0931, Human Resources Code;  
 2-23 (30) officers appointed by the inspector general of  
 2-24 the Texas Department of Criminal Justice under Section 493.019,  
 2-25 Government Code;  
 2-26 (31) investigators commissioned by the Commission on  
 2-27 Law Enforcement Officer Standards and Education under Section  
 2-28 1701.160, Occupations Code;  
 2-29 (32) commission investigators commissioned by the  
 2-30 Texas Private Security Board under Section 1702.061(f),  
 2-31 Occupations Code;  
 2-32 (33) the fire marshal and any officers, inspectors, or  
 2-33 investigators commissioned by an emergency services district under  
 2-34 Chapter 775, Health and Safety Code;  
 2-35 (34) officers commissioned by the State Board of  
 2-36 Dental Examiners under Section 254.013, Occupations Code, subject  
 2-37 to the limitations imposed by that section; ~~and~~  
 2-38 (35) investigators commissioned by the Texas Juvenile  
 2-39 Probation Commission as officers under Section 141.055, Human  
 2-40 Resources Code;  
 2-41 (36) the fire marshal and any related officers,  
 2-42 inspectors, or investigators commissioned by a county under  
 2-43 Subchapter B, Chapter 352, Local Government Code; and  
 2-44 (37) railroad peace officers appointed by the public  
 2-45 safety director of the Department of Public Safety under Article  
 2-46 2.121, subject to the limitations imposed by that article.  
 2-47 SECTION 2. Article 2.121, Code of Criminal Procedure, is  
 2-48 amended to read as follows:  
 2-49 Art. 2.121. RAILROAD PEACE OFFICERS. (a) The public safety  
 2-50 director of the Department of Public Safety may appoint ~~[up to 250]~~  
 2-51 railroad peace officers who are employed by a railroad company to  
 2-52 aid law enforcement agencies in the protection of railroad property  
 2-53 and the protection of the persons and property of railroad  
 2-54 passengers and employees. Each appointed officer has all the  
 2-55 powers, privileges, and immunities of a peace officer while  
 2-56 carrying out duties as a railroad peace officer within the  
 2-57 boundaries of this state.  
 2-58 ~~(b) [Except as provided by Subsection (c) of this article, a~~  
 2-59 ~~railroad peace officer may make arrests and exercise all authority~~  
 2-60 ~~given peace officers under this code when necessary to prevent or~~  
 2-61 ~~abate the commission of an offense involving injury to passengers~~  
 2-62 ~~and employees of the railroad or damage to railroad property or to~~  
 2-63 ~~protect railroad property or property in the custody or control of~~  
 2-64 ~~the railroad.~~  
 2-65 ~~[(c) A railroad peace officer may not issue a traffic~~  
 2-66 ~~citation for a violation of Chapter 521, Transportation Code, or~~  
 2-67 ~~Subtitle C, Title 7, Transportation Code.~~  
 2-68 ~~[(d)] A railroad peace officer is not entitled to state~~  
 2-69 ~~benefits normally provided by the state to a peace officer.~~

3-1           (c) [~~(e)~~] A person may not serve as a railroad peace officer  
 3-2 for a railroad company unless:

3-3           (1) the Texas Railroad Association submits the  
 3-4 person's application for appointment and certification as a  
 3-5 railroad peace officer to the public safety director of the  
 3-6 Department of Public Safety and to the executive director of the  
 3-7 Commission on Law Enforcement Officer Standards and Education;

3-8           (2) the public safety director of the department  
 3-9 issues the person a certificate of authority to act as a railroad  
 3-10 peace officer; and

3-11           (3) the executive director of the commission  
 3-12 determines that the person meets minimum standards required of  
 3-13 peace officers by the commission relating to competence,  
 3-14 reliability, education, training, morality, and physical and  
 3-15 mental health and issues the person a license as a railroad peace  
 3-16 officer; and

3-17           (4) the person has met all standards for certification  
 3-18 as a peace officer by the Commission on Law Enforcement Officer  
 3-19 Standards and Education.

3-20           (d) [~~(f)~~] For good cause, the public safety director of the  
 3-21 department may revoke a certificate of authority issued under this  
 3-22 article and the executive director of the commission may revoke a  
 3-23 license issued under this article. Termination of employment with  
 3-24 a railroad company, or the revocation of a railroad peace officer  
 3-25 license, constitutes [~~shall constitute~~] an automatic revocation of  
 3-26 a certificate of authority to act as a railroad peace officer.

3-27           (e) [~~(g)~~] A railroad company is liable for any act or  
 3-28 omission by a person serving as a railroad peace officer for the  
 3-29 company that is within the person's scope of employment. Neither  
 3-30 the state nor any political subdivision or agency of the state is  
 3-31 [~~shall be~~] liable for any act or omission by a person appointed as a  
 3-32 railroad peace officer. The employing railroad company shall pay  
 3-33 all [~~All~~] expenses incurred by the granting or revocation of a  
 3-34 certificate of authority to act as a railroad peace officer [~~shall~~  
 3-35 ~~be paid by the employing railroad company~~].

3-36           (f) [~~(h)~~] A railroad peace officer who is a member of a  
 3-37 railroad craft may not perform the duties of a member of any other  
 3-38 railroad craft during a strike or labor dispute.

3-39           (g) [~~(i)~~] The public safety director of the department and  
 3-40 the executive director of the commission may adopt [~~shall have the~~  
 3-41 ~~authority to promulgate~~] rules necessary for the effective  
 3-42 administration and performance of the duties and responsibilities  
 3-43 delegated to the directors [~~them~~] by this article.

3-44           SECTION 3. This Act takes effect immediately if it receives  
 3-45 a vote of two-thirds of all the members elected to each house, as  
 3-46 provided by Section 39, Article III, Texas Constitution. If this  
 3-47 Act does not receive the vote necessary for immediate effect, this  
 3-48 Act takes effect September 1, 2009.

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