

BILL ANALYSIS

C.S.H.B. 1161
By: Bonnen
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that federal law enforcement officers, in the process of enforcing federal laws in Texas, may witness violations of state law but lack sufficient authority to detain the criminal and instead must request the assistance of state and local law enforcement agencies, which typically provide such assistance without charge.

C.S.H.B. 1161 seeks to strengthen the relationship between the federal law enforcement officers and the state and local law enforcement agencies by granting limited state law enforcement authority to a commissioned law enforcement officer of the United States Fish and Wildlife Service as to any offense under Texas law committed within the boundaries of the National Wildlife Refuge System and by granting customs and border protection officers and Border Patrol Agents of the United States Customs and Border Protection, immigration enforcement agents, and deportation officers limited state law enforcement authority of arrest, search, and seizure relating to certain felonies committed under the state law.

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

C.S.H.B. 1161 amends the Code of Criminal Procedure to establish, in provisions of law relating to the authority of certain federal law enforcement officers and agents in specified situations, that a Border Patrol Agent is an agent of the United States Customs and Border Protection. The bill provides that customs and border protection officers and border patrol agents of the United States Customs and Border Protection and immigration enforcement agents and deportation officers of the Department of Homeland Security have the powers of arrest, search, and seizure as to any felony offense under Texas laws. The bill removes the authorization of such an officer or agent under certain conditions 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 constitutes intoxication assault or intoxication manslaughter under the Penal Code.

C.S.H.B. 1161 specifies that a commissioned law enforcement officer of the United States Fish and Wildlife Service is not a peace officer under state law, except that the officer has the powers of arrest, search, and seizure as to any offense under the laws of Texas committed within the boundaries of the National Wildlife Refuge System. The bill provides for the meaning of "National Wildlife Refuge System" by reference to the United States Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1161 contains a provision not included in the original establishing, in provisions of law relating to the authority of certain federal law enforcement officers and agents in specified situations, that a Border Patrol Agent is an agent of the United States Customs and Border Protection.

C.S.H.B. 1161 contains a provision not included in the original establishing that customs and border protection officers and border patrol agents of the United States Customs and Border Protection and immigration enforcement agents and deportation officers of the Department of Homeland Security have the powers of arrest, search, and seizure as to any felony offense under Texas law. The substitute contains a provision not included in the original removing the authorization of such an officer or agent, under certain conditions, to detain a person pending transfer to a peace officer if the agent or officer has probable cause to believe that the person has engaged in conduct that constitutes intoxication assault or intoxication manslaughter under the Penal Code.