

By: Bonnen

H.B. No. 1161

Substitute the following for H.B. No. 1161:

By: Smith of Tarrant

C.S.H.B. No. 1161

A BILL TO BE ENTITLED

1

AN ACT

2 relating to granting limited state law enforcement authority to
3 certain federal officers and agents.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 2.122, Code of Criminal Procedure, is
6 amended by amending Subsection (c) and adding Subsection (h) to
7 read as follows:

8 (c) A Customs and Border Protection Officer or Border Patrol
9 Agent of the United States Customs and Border Protection or an [~~a~~
10 ~~Border Patrol agent,~~] immigration enforcement agent[~~]~~ or
11 deportation officer of the Department of Homeland Security is not a
12 peace officer under the laws of this state but:

13 (1) has the powers of arrest, search, and seizure as to
14 any felony offense under the laws of this state; and

15 (2) [~~]~~ on the premises of a port facility designated
16 by the commissioner of the United States Customs and Border
17 Protection as a port of entry for arrival in the United States by
18 land transportation from the United Mexican States into the State
19 of Texas or at a permanent established border patrol traffic check
20 point, has the authority to detain a person pending transfer
21 without unnecessary delay to a peace officer if the agent or officer
22 has probable cause to believe that the person has engaged in conduct
23 that is a violation of Section 49.02 or [~~]~~ 49.04, [~~49.07, or 49.08,~~]
24 Penal Code, regardless of whether the violation may be disposed of

1 in a criminal proceeding or a juvenile justice proceeding.

2 (h) A commissioned law enforcement officer of the United
3 States Fish and Wildlife Service is not a peace officer under the
4 laws of this state, except that the officer has the powers of
5 arrest, search, and seizure as to any offense under the laws of this
6 state committed within the boundaries of the National Wildlife
7 Refuge System. In this subsection, "National Wildlife Refuge
8 System" has the meaning assigned by 16 U.S.C. Section 668dd.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2011.