

By: Miller of Erath

H.B. No. 2718

A BILL TO BE ENTITLED

AN ACT

relating to the definition of peace officer.

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

SECTION 1. Subchapter D, Chapter 801, Occupations Code, is amended by adding Section 801.164 to read as follows:

Sec. 801.164. PEACE OFFICERS. (a) The board may commission as a peace officer to enforce this chapter an employee who has been certified as qualified to be a peace officer by the Commission on Law Enforcement Officer Standards and Education.

(b) An employee commissioned as a peace officer under this chapter has the powers, privileges, and immunities of a peace officer while carrying out duties as a peace officer under this chapter.

SECTION 2. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

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

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

(3) marshals or police officers of an incorporated

1 city, town, or village, and those reserve municipal police officers
2 who hold a permanent peace officer license issued under Chapter
3 1701, Occupations Code;

4 (4) rangers and officers commissioned by the Public
5 Safety Commission and the Director of the Department of Public
6 Safety;

7 (5) investigators of the district attorneys', criminal
8 district attorneys', and county attorneys' offices;

9 (6) law enforcement agents of the Texas Alcoholic
10 Beverage Commission;

11 (7) each member of an arson investigating unit
12 commissioned by a city, a county, or the state;

13 (8) officers commissioned under Section 37.081,
14 Education Code, or Subchapter E, Chapter 51, Education Code;

15 (9) officers commissioned by the General Services
16 Commission;

17 (10) law enforcement officers commissioned by the
18 Parks and Wildlife Commission;

19 (11) airport police officers commissioned by a city
20 with a population of more than 1.18 million that operates an airport
21 that serves commercial air carriers;

22 (12) airport security personnel commissioned as peace
23 officers by the governing body of any political subdivision of this
24 state, other than a city described by Subdivision (11), that
25 operates an airport that serves commercial air carriers;

26 (13) municipal park and recreational patrolmen and
27 security officers;

1 (14) security officers and investigators commissioned
2 as peace officers by the comptroller;

3 (15) officers commissioned by a water control and
4 improvement district under Section 49.216, Water Code;

5 (16) officers commissioned by a board of trustees
6 under Chapter 54, Transportation Code;

7 (17) investigators commissioned by the Texas Medical
8 Board;

9 (18) officers commissioned by the board of managers of
10 the Dallas County Hospital District, the Tarrant County Hospital
11 District, or the Bexar County Hospital District under Section
12 281.057, Health and Safety Code;

13 (19) county park rangers commissioned under
14 Subchapter E, Chapter 351, Local Government Code;

15 (20) investigators employed by the Texas Racing
16 Commission;

17 (21) officers commissioned under Chapter 554,
18 Occupations Code;

19 (22) officers commissioned by the governing body of a
20 metropolitan rapid transit authority under Section 451.108,
21 Transportation Code, or by a regional transportation authority
22 under Section 452.110, Transportation Code;

23 (23) investigators commissioned by the attorney
24 general under Section 402.009, Government Code;

25 (24) security officers and investigators commissioned
26 as peace officers under Chapter 466, Government Code;

27 (25) an officer employed by the Department of State

- 1 Health Services under Section 431.2471, Health and Safety Code;
- 2 (26) officers appointed by an appellate court under
- 3 Subchapter F, Chapter 53, Government Code;
- 4 (27) officers commissioned by the state fire marshal
- 5 under Chapter 417, Government Code;
- 6 (28) an investigator commissioned by the commissioner
- 7 of insurance under Section 701.104, Insurance Code;
- 8 (29) apprehension specialists and inspectors general
- 9 commissioned by the Texas Youth Commission as officers under
- 10 Sections 61.0451 and 61.0931, Human Resources Code;
- 11 (30) officers appointed by the inspector general of
- 12 the Texas Department of Criminal Justice under Section 493.019,
- 13 Government Code;
- 14 (31) investigators commissioned by the Commission on
- 15 Law Enforcement Officer Standards and Education under Section
- 16 1701.160, Occupations Code;
- 17 (32) commission investigators commissioned by the
- 18 Texas Private Security Board under Section 1702.061(f),
- 19 Occupations Code;
- 20 (33) the fire marshal and any officers, inspectors, or
- 21 investigators commissioned by an emergency services district under
- 22 Chapter 775, Health and Safety Code;
- 23 (34) officers commissioned by the State Board of
- 24 Dental Examiners under Section 254.013, Occupations Code, subject
- 25 to the limitations imposed by that section;
- 26 (35) investigators commissioned by the Texas Juvenile
- 27 Probation Commission as officers under Section 141.05, Human

1 Resources Code; [~~and~~]

2 (36) the fire marshal and any related officers,
3 inspectors, or investigators commissioned by a county under
4 Subchapter B, Chapter 352, Local Government Code; and

5 (37) officers commissioned by the State Board of
6 Veterinary Medical Examiners under Section 801.164, Occupations
7 Code, subject to the limitations imposed by that section.

8 SECTION 3. This Act takes effect September 1, 2011.