

1-1 By: West S.B. No. 150
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; April 26, 2011, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; April 26, 2011, sent to printer.)

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

1-8 relating to granting limited state law enforcement authority to
1-9 special agents of the Office of Inspector General of the United
1-10 States Department of Veterans Affairs and to updating certain
1-11 references related to the grant of that authority to other federal
1-12 law enforcement personnel.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsections (a) and (c), Article 2.122, Code of
1-15 Criminal Procedure, are amended to read as follows:

1-16 (a) The following named criminal investigators of the
1-17 United States shall not be deemed peace officers, but shall have the
1-18 powers of arrest, search, and seizure under the laws of this state
1-19 as to felony offenses only [~~under the laws of the State of Texas~~]:

1-20 (1) Special Agents of the Federal Bureau of
1-21 Investigation;

1-22 (2) Special Agents of the Secret Service;

1-23 (3) Special Agents of the United States Immigration
1-24 and Customs Enforcement;

1-25 (4) Special Agents of the Bureau of Alcohol, Tobacco,
1-26 [and] Firearms and Explosives;

1-27 (5) Special Agents of the United States [~~Federal~~] Drug
1-28 Enforcement Administration [~~Agency~~];

1-29 (6) Inspectors of the United States Postal Inspection
1-30 Service;

1-31 (7) Special Agents of the Criminal Investigation
1-32 Division [~~and Inspectors of the Internal Security Division~~] of the
1-33 Internal Revenue Service;

1-34 (8) Civilian Special Agents of the United States Naval
1-35 Criminal Investigative Service;

1-36 (9) Marshals and Deputy Marshals of the United States
1-37 Marshals Service;

1-38 (10) [~~Special Agents of the United States Citizenship~~
1-39 ~~and Immigration Services; and~~

1-40 [~~(11)~~] Special Agents of the United States Department
1-41 of State, Bureau of Diplomatic Security;

1-42 (11) Special Agents of the Treasury Inspector General
1-43 for Tax Administration; and

1-44 (12) Special Agents of the Office of Inspector General
1-45 of the United States Department of Veterans Affairs.

1-46 (c) A Customs and Border Protection Officer or Border Patrol
1-47 Agent of the United States Customs and Border Protection or an [~~a~~
1-48 ~~Border Patrol agent,~~] immigration enforcement agent[~~7~~] or
1-49 deportation officer of the Department of Homeland Security is not a
1-50 peace officer under the laws of this state but, on the premises of a
1-51 port facility designated by the commissioner of the United States
1-52 Customs and Border Protection as a port of entry for arrival in the
1-53 United States by land transportation from the United Mexican States
1-54 into the State of Texas or at a permanent established border patrol
1-55 traffic check point, has the authority to detain a person pending
1-56 transfer without unnecessary delay to a peace officer if the agent
1-57 or officer has probable cause to believe that the person has engaged
1-58 in conduct that is a violation of Section 49.02, 49.04, 49.07, or
1-59 49.08, Penal Code, regardless of whether the violation may be
1-60 disposed of in a criminal proceeding or a juvenile justice
1-61 proceeding.

1-62 SECTION 2. This Act takes effect immediately if it receives
1-63 a vote of two-thirds of all the members elected to each house, as
1-64 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this
2-2 Act takes effect September 1, 2011.

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