

By: Huffman, Carona

S.B. No. 530

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to granting limited state law enforcement authority to  
3 special agents of the Office of Inspector General of the United  
4 States Social Security Administration and to updating certain  
5 references related to the grant of that authority to other federal  
6 law enforcement personnel.

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

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

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

14 (1) Special Agents of the Federal Bureau of  
15 Investigation;

16 (2) Special Agents of the Secret Service;

17 (3) Special Agents of the United States Immigration  
18 and Customs Enforcement;

19 (4) Special Agents of the Bureau of Alcohol, Tobacco,  
20 [~~and~~] Firearms and Explosives;

21 (5) Special Agents of the United States [~~Federal~~] Drug  
22 Enforcement Administration [~~Agency~~];

23 (6) Inspectors of the United States Postal Inspection  
24 Service;

1           (7) Special Agents of the Criminal Investigation  
2 Division [~~and Inspectors of the Internal Security Division~~] of the  
3 Internal Revenue Service;

4           (8) Civilian Special Agents of the United States Naval  
5 Criminal Investigative Service;

6           (9) Marshals and Deputy Marshals of the United States  
7 Marshals Service;

8           (10) [~~Special Agents of the United States Citizenship  
9 and Immigration Services, and~~

10           [~~(11)~~] Special Agents of the United States Department  
11 of State, Bureau of Diplomatic Security;

12           (11) Special Agents of the Treasury Inspector General  
13 for Tax Administration; and

14           (12) Special Agents of the Office of Inspector General  
15 of the United States Social Security Administration.

16           (c) A Customs and Border Protection Officer or Border Patrol  
17 Agent of the United States Customs and Border Protection or an [~~a~~  
18 ~~Border Patrol agent,~~] immigration enforcement agent[~~7~~] or  
19 deportation officer of the Department of Homeland Security is not a  
20 peace officer under the laws of this state but, on the premises of a  
21 port facility designated by the commissioner of the United States  
22 Customs and Border Protection as a port of entry for arrival in the  
23 United States by land transportation from the United Mexican States  
24 into the State of Texas or at a permanent established border patrol  
25 traffic check point, has the authority to detain a person pending  
26 transfer without unnecessary delay to a peace officer if the agent  
27 or officer has probable cause to believe that the person has engaged

1 in conduct that is a violation of Section 49.02, 49.04, 49.07, or  
2 49.08, Penal Code, regardless of whether the violation may be  
3 disposed of in a criminal proceeding or a juvenile justice  
4 proceeding.

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