

BILL ANALYSIS

C.S.H.B. 1211
By: Craddick
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the Midland County Hospital District currently is not authorized to employ and commission peace officers. C.S.H.B. 1211 seeks to address this issue by granting the Midland County Hospital District the express authority to employ and commission peace officers.

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. 1211 amends the Special District Local Laws Code to authorize the board of directors of the Midland County Hospital District to employ and commission peace officers for the district. The bill establishes that the jurisdiction of a peace officer so commissioned includes the property owned or controlled by the district. The bill specifies that, in a district peace officer's jurisdiction, the peace officer has the authority granted by statutory provisions to arrest an offender without a warrant under certain conditions.

C.S.H.B. 1211 amends the Code of Criminal Procedure to add peace officers commissioned by the board of directors of the Midland County Hospital District to the list of persons who are considered peace officers.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1211 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 1061, Special District Local Laws Code, is amended by adding Section 1061.121 to read as follows:

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Sec. 1061.121. EMPLOYMENT OF DISTRICT PEACE OFFICERS. (a) The board may employ and commission peace

Sec. 1061.121. EMPLOYMENT OF DISTRICT PEACE OFFICERS. (a) The board may employ and commission peace

officers for the district.

(b) The jurisdiction of a peace officer commissioned under this section includes the property owned or controlled by the district and any street abutting, right-of-way over or through, or easement in the property.

(c) In a district peace officer's jurisdiction, the peace officer has the authority granted by Chapter 14, Code of Criminal Procedure. The peace officer may also make an arrest without a warrant in the officer's jurisdiction if the offense involves injury or harm to any property owned or controlled by the district.

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 city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
- (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- (6) law enforcement agents of the Texas Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit commissioned by a city, a county, or the state;
- (8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;
- (9) officers commissioned by the General Services Commission;
- (10) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (11) airport police officers commissioned by a city with a population of more than 1.18 million located primarily in a county

officers for the district.

(b) The jurisdiction of a peace officer commissioned under this section includes the property owned or controlled by the district.

(c) In a district peace officer's jurisdiction, the peace officer has the authority granted by Chapter 14, Code of Criminal Procedure.

SECTION 2. Same as introduced version.

with a population of 2 million or more that operates an airport that serves commercial air carriers;

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

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

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

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

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

(17) investigators commissioned by the Texas Medical Board;

(18) officers commissioned by:

(A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code; ~~and~~

(B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code; and

(C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code;

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

(20) investigators employed by the Texas Racing Commission;

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

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

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

(24) security officers and investigators commissioned as peace officers under

Chapter 466, Government Code;
(25) an officer employed by the Department of State Health Services under Section 431.2471, Health and Safety Code;
(26) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;
(27) officers commissioned by the state fire marshal under Chapter 417, Government Code;
(28) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;
(29) apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department as officers under Sections 242.102 and 243.052, Human Resources Code;
(30) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;
(31) investigators commissioned by the Commission on Law Enforcement Officer Standards and Education under Section 1701.160, Occupations Code;
(32) commission investigators commissioned by the Texas Private Security Board under Section 1702.061(f), Occupations Code;
(33) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;
(34) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;
(35) investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; and
(36) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate

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effect, this Act takes effect September 1, 2013.