

By: Deuell

S.B. No. 570

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of reserve peace officers by a fire marshal.

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

SECTION 1. Subchapter F, Chapter 775, Health and Safety Code, is amended by adding Section 775.1085 to read as follows:

Sec. 775.1085. RESERVE PEACE OFFICERS APPOINTED BY DISTRICT FIRE MARSHAL. (a) The district may authorize the fire marshal to appoint reserve peace officers who may be called to serve as peace officers by the fire marshal during the actual discharge of the reserve peace officers' official duties. The district may limit the number of reserve peace officers that the fire marshal may appoint.

(b) A reserve peace officer appointed under this section serves at the discretion of the fire marshal and may be called into service if the fire marshal considers it necessary to have additional officers to preserve the peace or enforce the law in the district.

(c) The fire marshal may authorize a reserve peace officer appointed under this section who is a peace officer as described by Article 2.12, Code of Criminal Procedure, to carry a weapon or act as a peace officer at all times, regardless of whether the reserve peace officer is engaged in the actual discharge of official duties, or may limit the authority of the reserve peace officer

1 under this section to carry a weapon or act as a peace officer to
2 only those times during which the reserve peace officer is engaged
3 in the actual discharge of the officer's official duties.

4 (d) A reserve peace officer on active duty and actively
5 engaged in assigned duties has the same rights, privileges, and
6 duties as any other peace officer of the district.

7 (e) An organization formed under this section may include
8 both paid and unpaid peace officers and reserve peace officers.

9 SECTION 2. Subchapter B, Chapter 352, Local Government
10 Code, is amended by adding Section 352.0115 to read as follows:

11 Sec. 352.0115. RESERVE PEACE OFFICERS APPOINTED BY COUNTY
12 FIRE MARSHAL. (a) The commissioners court may authorize the county
13 fire marshal to appoint reserve peace officers who may be called to
14 serve as peace officers by the fire marshal during the actual
15 discharge of the reserve peace officers' official duties. The
16 commissioners court may limit the number of reserve peace officers
17 that the fire marshal may appoint.

18 (b) A reserve peace officer appointed under this section
19 serves at the discretion of the fire marshal and may be called into
20 service if the fire marshal considers it necessary to have
21 additional officers to preserve the peace or enforce the law in the
22 county.

23 (c) The fire marshal may authorize a reserve peace officer
24 appointed under this section who is a peace officer as described by
25 Article 2.12, Code of Criminal Procedure, to carry a weapon or act
26 as a peace officer at all times, regardless of whether the reserve
27 peace officer is engaged in the actual discharge of official

1 duties, or may limit the authority of the reserve peace officer
2 under this section to carry a weapon or act as a peace officer to
3 only those times during which the reserve peace officer is engaged
4 in the actual discharge of the officer's official duties.

5 (d) A reserve peace officer on active duty and actively
6 engaged in assigned duties has the same rights, privileges, and
7 duties as any other peace officer of the county.

8 (e) An organization formed under this section may include
9 both paid and unpaid peace officers and reserve peace officers.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2013.