

By: Neave

H.B. No. 1969

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a municipal marshal reserve force.

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

SECTION 1. 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 deputy marshals or reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers, officers, and members of the reserve officer corps 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;

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

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

5 (9) officers commissioned by the General Services
6 Commission;

7 (10) law enforcement officers commissioned by the
8 Parks and Wildlife Commission;

9 (11) airport police officers commissioned by a city
10 with a population of more than 1.18 million located primarily in a
11 county with a population of 2 million or more that operates an
12 airport that serves commercial air carriers;

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

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

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

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

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

25 (17) investigators commissioned by the Texas Medical
26 Board;

27 (18) officers commissioned by:

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

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

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

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

13 (20) investigators employed by the Texas Racing
14 Commission;

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

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

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

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

25 (25) officers appointed by an appellate court under
26 Subchapter F, Chapter 53, Government Code;

27 (26) officers commissioned by the state fire marshal

1 under Chapter 417, Government Code;

2 (27) an investigator commissioned by the commissioner
3 of insurance under Section 701.104, Insurance Code;

4 (28) apprehension specialists and inspectors general
5 commissioned by the Texas Juvenile Justice Department as officers
6 under Sections 242.102 and 243.052, Human Resources Code;

7 (29) officers appointed by the inspector general of
8 the Texas Department of Criminal Justice under Section 493.019,
9 Government Code;

10 (30) investigators commissioned by the Texas
11 Commission on Law Enforcement under Section 1701.160, Occupations
12 Code;

13 (31) commission investigators commissioned by the
14 Texas Private Security Board under Section 1702.061, Occupations
15 Code;

16 (32) the fire marshal and any officers, inspectors, or
17 investigators commissioned by an emergency services district under
18 Chapter 775, Health and Safety Code;

19 (33) officers commissioned by the State Board of
20 Dental Examiners under Section 254.013, Occupations Code, subject
21 to the limitations imposed by that section;

22 (34) investigators commissioned by the Texas Juvenile
23 Justice Department as officers under Section 221.011, Human
24 Resources Code; and

25 (35) the fire marshal and any related officers,
26 inspectors, or investigators commissioned by a county under
27 Subchapter B, Chapter 352, Local Government Code.

1 SECTION 2. The heading to Section 341.012, Local Government
2 Code, is amended to read as follows:

3 Sec. 341.012. POLICE RESERVE FORCE; MARSHAL RESERVE FORCE.

4 SECTION 3. Sections 341.012(a), (b), (c), (d), (e), (g),
5 and (h), Local Government Code, are amended to read as follows:

6 (a) The governing body of a municipality may provide for the
7 establishment of a police reserve force or a marshal reserve force.

8 (b) The governing body shall establish qualifications and
9 standards of training for members of each [~~the~~] reserve force.

10 (c) The governing body may limit the size of each [~~the~~]
11 reserve force.

12 (d) The chief of police shall appoint the members of the
13 police reserve force. The municipal marshal shall appoint the
14 members of the marshal reserve force. Members of a reserve force
15 serve at the [~~chief's~~] discretion of the officer who appointed them
16 or a successor in office to that officer.

17 (e) The chief of police may call the police reserve force
18 into service, and the marshal may call the marshal reserve force
19 into service, at any time the officer [~~chief~~] considers it
20 necessary to have additional peace officers to preserve the peace
21 and enforce the law.

22 (g) An appointment to a [~~the~~] reserve force must be approved
23 by the governing body before the person appointed may carry a weapon
24 or otherwise act as a peace officer. On approval of the appointment
25 of a member who is not a peace officer as described by Article 2.12,
26 Code of Criminal Procedure, the person appointed may carry a weapon
27 only when authorized to do so by the officer who appointed the

1 person or a successor in office to that officer, [~~chief of police~~]
2 and only when discharging official duties as a peace officer.

3 (h) Reserve police officers or reserve deputy marshals may
4 act only in a supplementary capacity to the regular police force or
5 marshal's office, as applicable, and may not assume the full-time
6 duties of regular police officers or deputy marshals without
7 complying with the requirements for regular police officers or
8 deputy marshals, as applicable. On approval of the appointment of a
9 member who is a peace officer as described by Article 2.12, Code of
10 Criminal Procedure, the appointing chief of police or marshal may
11 authorize the person appointed to carry a weapon or act as a peace
12 officer at all times, regardless of whether the person is engaged in
13 the actual discharge of official duties, or may limit the authority
14 of the person to carry a weapon or act as a peace officer to only
15 those times during which the person is engaged in the actual
16 discharge of official duties. A reserve police officer or reserve
17 deputy marshal, regardless of whether the person [~~reserve police~~
18 ~~officer~~] is a peace officer as described by Article 2.12, Code of
19 Criminal Procedure, is not:

20 (1) eligible for participation in any program provided
21 by the governing body that is normally considered a financial
22 benefit of full-time employment or for any pension fund created by
23 statute for the benefit of full-time paid peace officers; or

24 (2) exempt from Chapter 1702, Occupations Code.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 1969

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2017.