By:  Wilson (Senate Sponsor - Hughes) H.B. No. 3863

(In the Senate - Received from the House May 13, 2019; May 13, 2019, read first time and referred to Committee on State Affairs; May 19, 2019, reported favorably by the following vote: Yeas 9, Nays 0; May 19, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton       X

Fallon          X

Hall            X

Lucio           X

Nelson          X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to granting limited state law enforcement authority to certain federal officers or agents.

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

SECTION 1.  Articles 2.122(a) and (b), Code of Criminal Procedure, are amended to read as follows:

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

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

(2)  Special Agents of the Secret Service;

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

(4)  Special Agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(5)  Special Agents of the United States Drug Enforcement Administration;

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

(7)  Special Agents of the Criminal Investigation Division of the Internal Revenue Service;

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

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

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

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

(12)  Special Agents of the Office of Inspector General of the United States Social Security Administration;

(13)  Special Agents of the Office of Inspector General of the United States Department of Veterans Affairs;

(14)  Special Agents of the Office of Inspector General of the United States Department of Agriculture; and

(15) [~~(14)~~]  a police officer with the Office of Security and Law Enforcement of the United States Department of Veterans Affairs.

(b)  An officer or agent [~~A person~~] designated by the Secretary of Homeland Security [~~as a special policeman by the Federal Protective Services division of the General Services Administration~~] under 40 U.S.C. Section 1315 for duty in connection with the protection of property owned or occupied by the federal government and persons on the property [~~318 or 318d~~] is not a peace officer but has the powers of arrest and search and seizure as to any offense under the laws of this state.

SECTION 2.  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 effect, this Act takes effect September 1, 2019.

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