

By: King of Parker

H.B. No. 1451

A BILL TO BE ENTITLED

AN ACT

relating to peace officers commissioned by the Texas Commission on Law Enforcement for disaster response.

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

SECTION 1. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.1601 to read as follows:

Sec. 1701.1601. AUTHORITY TO COMMISSION OFFICERS FOR DISASTER RESPONSE. (a) In this section:

(1) "Disaster" has the meaning assigned by Section 418.004, Government Code.

(2) "State active duty" and "Texas State Guard" have the meanings assigned by Section 437.001, Government Code.

(b) Subject to Subsection (c), the commission may commission as a peace officer an individual who is:

(1) a peace officer elected, employed, or appointed by a political subdivision of this state at the time the individual is commissioned under this section; and

(2) called to state active duty as a member of the Texas State Guard for the purpose of responding to a disaster.

(c) A commission under this section expires on the earlier of:

(1) the date the individual's state active duty ends;

or

(2) the date responding to a disaster ceases to be the

1 primary purpose for the state active duty.

2 (d) The commission is not required to comply with Section
3 1701.303 with respect to a peace officer commissioned under this
4 section.

5 SECTION 2. Article 2.12, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
8 officers:

9 (1) sheriffs, their deputies, and those reserve
10 deputies who hold a permanent peace officer license issued under
11 Chapter 1701, Occupations Code;

12 (2) constables, deputy constables, and those reserve
13 deputy constables who hold a permanent peace officer license issued
14 under Chapter 1701, Occupations Code;

15 (3) marshals or police officers of an incorporated
16 city, town, or village, and those reserve municipal police officers
17 who hold a permanent peace officer license issued under Chapter
18 1701, Occupations Code;

19 (4) rangers, officers, and members of the reserve
20 officer corps commissioned by the Public Safety Commission and the
21 Director of the Department of Public Safety;

22 (5) investigators of the district attorneys', criminal
23 district attorneys', and county attorneys' offices;

24 (6) law enforcement agents of the Texas Alcoholic
25 Beverage Commission;

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

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

3 (9) officers commissioned by the General Services
4 Commission;

5 (10) law enforcement officers commissioned by the
6 Parks and Wildlife Commission;

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

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

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

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

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

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

23 (17) investigators commissioned by the Texas Medical
24 Board;

25 (18) officers commissioned by:

26 (A) the board of managers of the Dallas County
27 Hospital District, the Tarrant County Hospital District, the Bexar

1 County Hospital District, or the El Paso County Hospital District
2 under Section 281.057, Health and Safety Code;

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

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

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

11 (20) investigators employed by the Texas Racing
12 Commission;

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

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

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

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

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

25 (26) officers commissioned by the state fire marshal
26 under Chapter 417, Government Code;

27 (27) an investigator commissioned by the commissioner

1 of insurance under Section 701.104, Insurance Code;

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

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

8 (30) investigators or officers commissioned by the
9 Texas Commission on Law Enforcement under Section 1701.160 or
10 1701.1601, as applicable, Occupations Code;

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

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

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

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

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

26 SECTION 3. This Act takes effect September 1, 2019.