

SENATE AMENDMENTS

2nd Printing

By: White

H.B. No. 3452

A BILL TO BE ENTITLED

1 AN ACT

2 relating to granting limited state law enforcement authority to
3 certain federal special agents.

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

5 SECTION 1. Article 2.122(a), Code of Criminal Procedure, is
6 amended to read as follows:

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

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

13 (2) Special Agents of the Secret Service;

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

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

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

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

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

24 (8) Civilian Special Agents of the United States Naval

1 Criminal Investigative Service;

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

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

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

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

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

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

14 (15) Special Agents of the Office of Export
15 Enforcement of the United States Department of Commerce;

16 (16) Special Agents of the Criminal Investigation
17 Command of the United States Army; and

18 (17) a police officer with the Office of Security and
19 Law Enforcement of the United States Department of Veterans
20 Affairs.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2021.

ADOPTED

MAY 25 2011

Lacey Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

D. Benning

1 Amend H.B. No. 3452 (senate committee report) in SECTION 1 of
2 the bill, in amended Article 2.122(a), Code of Criminal Procedure,
3 by striking Subdivisions 16 and 17 (page 1, lines 55 through 59)
4 and substituting the following:

5 (16) Special Agents of the Criminal Investigation Command of
6 the United States Army;

7 (17) Special Agents of the Office of Special Investigations
8 of the United States Air Force; and

9 (18) a police officer with the Office of Security and Law
10 Enforcement of the United States Department of Veterans Affairs.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3452 by White (Relating to granting limited state law enforcement authority to certain federal special agents.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, CMA, DKN, KFB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3452 by White (Relating to granting limited state law enforcement authority to certain federal special agents.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, DKN, KFB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 17, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3452** by White (Relating to granting limited state law enforcement authority to certain federal special agents.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, DKN, KFB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 14, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3452 by White (Relating to granting limited state law enforcement authority to special agents of the Office of Export Enforcement of the United States Department of Commerce.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, DKN, KFB

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

April 17, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3452 by White (Relating to granting limited state law enforcement authority to certain federal special agents.), **Committee Report 1st House, Substituted**

The provisions of the bill addressed by this analysis would amend the Code of Criminal Procedure as it relates to granting limited state law enforcement authority to certain federal special agents. Under the provisions of the bill, certain federal special agents would be added to the existing list of criminal investigators who would have the powers of arrest, search, and seizure under the laws of the state of Texas as to felony offenses only.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony-level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

Agencies:

LBB Staff: JMc, DKN, LM, MP

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT
87TH LEGISLATIVE REGULAR SESSION

April 14, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3452 by White (Relating to granting limited state law enforcement authority to special agents of the Office of Export Enforcement of the United States Department of Commerce.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Code of Criminal Procedure as it relates to granting limited state law enforcement authority to special agents of the Office of Export Enforcement of the United States Department of Commerce. Under the provisions of the bill, special agents of the Office of Export Enforcement of the United States Department of Commerce would be added to the existing list of criminal investigators of the United States who would have the powers of arrest, search, and seizure under the laws of the state of Texas as to felony offenses only.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony-level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

Agencies:

LBB Staff: JMc, DKN, LM, MP