



FLOOR AMENDMENT NO. _____

BY: Guillen

1 Amend C.S.H.B. No. 7 (house committee printing) by adding the
2 following appropriately numbered ARTICLES to the bill and
3 renumbering the SECTIONS and ARTICLES of the bill accordingly:

4 ARTICLE __. BORDER PROTECTION PROGRAM OF DEPARTMENT OF PUBLIC
5 SAFETY

6 SECTION __.01. Article 2.12, Code of Criminal Procedure, is
7 amended to read as follows:

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

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

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

16 (3) marshals or police officers of an incorporated
17 city, town, or village, and those reserve municipal police officers
18 who hold a permanent peace officer license issued under Chapter
19 1701, Occupations Code;

20 (4) rangers, officers, and members of the reserve
21 officer corps commissioned by:

22 (A) the Public Safety Commission; and

23 (B) either:

24 (i) the Director of the Department of Public
25 Safety; or

1 (ii) the unit chief of the Border Protection

2 Unit;

3 (5) investigators of the district attorneys', criminal
4 district attorneys', and county attorneys' offices;

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

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

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

11 (9) officers commissioned by the General Services
12 Commission;

13 (10) law enforcement officers commissioned by the Parks
14 and Wildlife Commission;

15 (11) officers commissioned under Chapter 23,
16 Transportation Code;

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

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

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

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

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

27 (17) 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;

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

11 (D) the board of hospital managers of the Lubbock
12 County Hospital District of Lubbock County, Texas, under Section
13 1053.113, Special District Local Laws Code;

14 (18) county park rangers commissioned under Subchapter
15 E, Chapter 351, Local Government Code;

16 (19) investigators employed by the Texas Racing
17 Commission;

18 (20) officers commissioned under Chapter 554,
19 Occupations Code;

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

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

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

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

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

5 (26) an investigator commissioned by the commissioner
6 of insurance under Section 701.104, Insurance Code;

7 (27) apprehension specialists and inspectors general
8 commissioned by the Texas Juvenile Justice Department as officers
9 under Sections 242.102 and 243.052, Human Resources Code;

10 (28) officers appointed by the inspector general of the
11 Texas Department of Criminal Justice under Section 493.019,
12 Government Code;

13 (29) investigators commissioned by the Texas Commission
14 on Law Enforcement under Section 1701.160, Occupations Code;

15 (30) commission investigators commissioned by the Texas
16 Private Security Board under Section 1702.061, Occupations Code;

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

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

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

26 (34) the fire marshal and any related officers,
27 inspectors, or investigators commissioned by a county under

1 Subchapter B, Chapter 352, Local Government Code.

2 SECTION __.02. Section 411.002(a), Government Code, is
3 amended to read as follows:

4 (a) The Department of Public Safety of the State of Texas is
5 an agency of the state to enforce the laws protecting the public
6 safety, ~~and~~ provide for the prevention and detection of crime,
7 and defend and secure the state's air, maritime, and land borders.

8 The department is composed of the Texas Rangers, the Texas Highway
9 Patrol, the Border Protection Unit, the administrative division,
10 and other divisions that the commission considers necessary.

11 SECTION __.03. Section 411.004, Government Code, is amended
12 to read as follows:

13 Sec. 411.004. DUTIES AND POWERS OF COMMISSION. The
14 commission shall:

15 (1) formulate plans and policies for:

16 (A) enforcement of state criminal, traffic, and
17 safety laws;

18 (B) prevention of crime;

19 (C) detection and apprehension of persons who
20 violate laws; ~~and~~

21 (D) education of citizens of this state in the
22 promotion of public safety and the observance of law; and

23 (E) defense and security of this state's air,
24 maritime, and land borders;

25 (2) organize the department and supervise its
26 operation;

27 (3) adopt rules considered necessary for carrying out

1 the department's work;

2 (4) maintain records of all proceedings and official
3 orders; and

4 (5) biennially submit a report of its work to the
5 governor and legislature, including the commission's and
6 director's recommendations.

7 SECTION __.04. Section 411.006(a), Government Code, is
8 amended to read as follows:

9 (a) Subject to Section 411.556, the ~~[The]~~ director shall:

10 (1) be directly responsible to the commission for the
11 conduct of and act as executive director of the Texas Highway
12 Patrol, the Texas Rangers, and other administrative divisions and
13 departments assigned by the commission, other than the Border
14 Protection Unit ~~[the department's affairs];~~

15 (2) ~~[act as executive director of the department;~~

16 ~~[+3)]~~ act with the commission in an advisory capacity,
17 without vote;

18 (3) ~~[+4)]~~ adopt rules, subject to commission approval,
19 considered necessary for the control of the department;

20 (4) ~~[+5)]~~ issue commissions as law enforcement
21 officers, under the commission's direction, to all members of the
22 Texas Rangers and the Texas Highway Patrol and to other officers
23 of the department;

24 (5) ~~[+6)]~~ appoint, with the advice and consent of the
25 commission, the head of a division or bureau provided for by this
26 chapter;

27 (6) ~~[+7)]~~ quarterly, annually, and biennially submit to

1 the commission detailed reports of the operation of the department,
2 including statements of its expenditures; and

3 (7) [~~(8)~~] prepare, swear to, submit to the governor,
4 and file in the department's records a quarterly statement
5 containing an itemized list of all money received and its source
6 and all money spent and the purposes for which it was spent.

7 SECTION __.05. Section 411.007(a), Government Code, is
8 amended to read as follows:

9 (a) Subject to the provisions of this chapter, the director
10 may appoint, promote, reduce, suspend, or discharge any officer or
11 employee of the department, other than an officer or employee of
12 the Border Protection Unit.

13 SECTION __.06. Section 411.017(a), Government Code, is
14 amended to read as follows:

15 (a) A person commits an offense if, without the director's
16 authorization, the person:

17 (1) manufactures, sells, or possesses a badge,
18 identification card, or other item bearing a department insignia
19 or an insignia deceptively similar to the department's;

20 (2) makes a copy or likeness of a badge, identification
21 card, or department insignia, with intent to use or allow another
22 to use the copy or likeness to produce an item bearing the
23 department insignia or an insignia deceptively similar to the
24 department's; or

25 (3) uses the term "Texas Department of Public Safety,"
26 "Department of Public Safety," "Texas Ranger," [~~or~~] "Texas Highway
27 Patrol," or "Border Protection Unit" in connection with an object,

1 with the intent to create the appearance that the object belongs
2 to or is being used by the department.

3 SECTION __.07. Chapter 411, Government Code, is amended by
4 adding Subchapter S to read as follows:

5 SUBCHAPTER S. BORDER PROTECTION UNIT

6 Sec. 411.551. DEFINITIONS. In this subchapter:

7 (1) "Border region" has the meaning assigned by Section
8 772.0071.

9 (2) "Unit" means the Border Protection Unit.

10 (3) "Unit chief" means the person appointed under
11 Section 411.555 as the unit chief.

12 Sec. 411.552. BORDER PROTECTION UNIT; TERM OF AUTHORIZATION.

13 (a) The unit is a division under the commission consisting of the
14 number of commissioned officers and other employees authorized by
15 the legislature.

16 (b) The unit is subject to appropriations by the legislature
17 and, unless continued in existence by the legislature, is abolished
18 December 31, 2030.

19 (c) This subchapter expires December 31, 2030.

20 Sec. 411.553. LIMITATION ON CERTAIN POWERS. The unit and
21 the department, as applicable, may provide law enforcement
22 services as authorized by this subchapter, including Sections
23 411.0095, 411.560(b), and 411.563, in a county in the border region
24 only to the extent authorized in writing by the commissioners court
25 of that county.

26 Sec. 411.554. HEADQUARTERS. The unit must be headquartered
27 in the border region.

1 Sec. 411.555. UNIT CHIEF. (a) The governor shall appoint
2 a United States citizen to serve as the unit chief of the Border
3 Protection Unit. The unit chief serves until removed by the
4 governor.

5 (b) The unit chief may appoint, with the advice and consent
6 of the commission, deputy unit chiefs and assistant unit chiefs
7 who shall perform the duties that the unit chief designates.
8 Deputy unit chiefs and assistant unit chiefs serve until removed
9 by the unit chief.

10 (c) The unit chief, deputy unit chiefs, and assistant unit
11 chiefs are entitled to annual salaries as provided by the
12 legislature.

13 Sec. 411.556. GENERAL POWERS AND DUTIES OF UNIT AND UNIT
14 CHIEF. (a) The unit chief shall:

15 (1) be directly responsible to the commission for all
16 conduct of the unit, but may be removed only by the governor under
17 Section 411.555;

18 (2) act as the executive director of the unit;

19 (3) act with the commission in an advisory capacity,
20 without vote;

21 (4) adopt rules, subject to commission approval,
22 considered necessary for the control and general administration of
23 the unit, including rules governing the procurement of facilities
24 and equipment for the unit and the training and working conditions
25 for unit personnel;

26 (5) issue commissions as law enforcement officers,
27 under the commission's direction, to members of the unit;

1 (6) create as necessary, with the advice and consent of
2 the commission, operational or administrative divisions within the
3 unit and appoint heads of those divisions;

4 (7) employ as necessary commissioned officers and other
5 employees to perform unit operations and functions;

6 (8) quarterly, annually, and biennially submit to the
7 commission detailed reports of the operation of the unit, including
8 statements of its expenditures; and

9 (9) prepare, swear to, submit to the governor, and file
10 in the unit's records a quarterly statement containing an itemized
11 list of all money received and its source and all money spent and
12 the purposes for which it was spent.

13 (b) The unit chief or unit chief's designee shall provide to
14 members of the commission and to employees of the unit, as often
15 as necessary, information regarding the requirements for office or
16 employment under this chapter, including information regarding a
17 person's responsibilities under applicable law relating to
18 standards of conduct for state officers or employees.

19 (c) Subject to Subsection (d), the following provisions
20 apply to the unit chief with respect to the unit in the same manner
21 as the provisions apply to the director with respect to the
22 department or, as applicable, apply to the unit when acting at the
23 direction of the unit chief in the same manner as the provisions
24 apply to the department when acting at the direction of the
25 director:

26 (1) Section 411.007;

27 (2) Section 411.0071;

- 1 (3) Section 411.0075;
2 (4) Section 411.0079;
3 (5) Section 411.009;
4 (6) Section 411.0095;
5 (7) Section 411.0097, as added by Section 3, Chapter
6 556 (H.B. 1239), Acts of the 79th Legislature, Regular Session,
7 2005;
8 (8) Section 411.0097, as added by Section 1, Chapter
9 693 (S.B. 293), Acts of the 79th Legislature, Regular Session,
10 2005;
11 (9) Section 411.0098;
12 (10) Section 411.013(b);
13 (11) Section 411.0131;
14 (12) Section 411.0132;
15 (13) Section 411.0141(e);
16 (14) Section 411.015;
17 (15) Section 411.016;
18 (16) Section 411.0161;
19 (17) Section 411.0162;
20 (18) Section 411.0163;
21 (19) Section 411.0164;
22 (20) Section 411.017;
23 (21) Section 411.018;
24 (22) Sections 411.0207(c)(1)-(5);
25 (23) Sections 411.0208(d) and (e);
26 (24) Section 411.0209;
27 (25) Section 411.02095;

1 (26) Section 411.0865;

2 (27) Section 411.087(e);

3 (28) Section 411.0891; and

4 (29) Section 411.154.

5 (d) The director may not exercise any operational or
6 administrative control over the unit chief or the unit. The unit
7 chief may not exercise any operational or administrative control
8 over the director or the department, other than the unit.

9 (e) The unit is a criminal justice agency for purposes of
10 this chapter.

11 (f) The unit is a law enforcement agency for purposes of
12 Section 411.1471(b).

13 (g) The unit may assist local law enforcement with the
14 investigation of crime.

15 Sec. 411.557. OFFICE OF AUDIT AND REVIEW FOR UNIT. The
16 governor shall establish the office of audit and review within the
17 unit and appoint the director of the office to perform the duties
18 under Subchapter I with respect to the unit. The director of the
19 office of audit and review of the unit shall serve until removed
20 by the governor.

21 Sec. 411.558. INSPECTOR GENERAL FOR UNIT. (a) The governor
22 shall establish the office of the inspector general within the
23 unit and appoint the inspector general of the unit who shall
24 perform with respect to the unit the duties of Subchapter I-1 or
25 as may be provided by other law. The inspector general of the unit
26 shall serve until removed by the governor.

27 (b) The inspector general of the unit is responsible for:

1 (1) preparing and delivering assessments concerning the
2 administration of the unit to the governor, the legislature, and
3 the unit chief;

4 (2) acting to prevent and detect serious breaches of
5 unit policy, fraud, and abuse of office, including any acts of
6 criminal conduct within the unit; and

7 (3) independently and objectively reviewing,
8 investigating, delegating, and overseeing the investigation of:

9 (A) conduct described by Subdivision (2);

10 (B) criminal activity occurring within the unit;

11 (C) allegations of wrongdoing by unit employees;

12 (D) crimes committed on unit property; and

13 (E) serious breaches of unit policy.

14 Sec. 411.559. OFFICERS; OTHER EMPLOYEES. (a) The unit
15 chief may employ commissioned officers meeting the qualifications
16 described by Section 411.561 to perform the duties of the unit.
17 Those officers are entitled to compensation as provided by the
18 legislature and must be recruited and trained within the border
19 region to the extent practicable.

20 (b) The unit chief may employ individuals who are not
21 officers as necessary to carry out the duties of the unit.

22 (c) Subject to the provisions of this chapter, the unit chief
23 may appoint, promote, reduce, suspend, or discharge any officer or
24 employee of the unit.

25 Sec. 411.560. AUTHORITY OF OFFICERS. (a) A commissioned
26 officer of the unit is governed by the law regulating and defining
27 the powers and duties of sheriffs performing similar duties, except

1 that the officer may make arrests and execute processes in a
2 criminal case in any county in the border region.

3 (b) A commissioned officer of the unit may, to the extent
4 consistent with the United States and Texas Constitutions, arrest,
5 apprehend, or detain persons crossing the Texas-Mexico border
6 unlawfully, and deter persons attempting to cross the border
7 unlawfully, including with the use of non-deadly crowd control
8 measures.

9 Sec. 411.561. QUALIFICATIONS. (a) To be a commissioned
10 officer of the unit, a person must hold a peace officer license
11 issued under Chapter 1701, Occupations Code, and meet any other
12 qualifications set by the commission.

13 (b) The unit is an equal employment opportunity employer and
14 may not discriminate against or give preferential treatment to any
15 employee or job applicant on account of the individual's race,
16 color, sex, national origin, or religion.

17 Sec. 411.562. FACILITIES AND EQUIPMENT; TRAINING. The unit
18 shall acquire equipment and facilities and conduct training
19 necessary to fulfill the operational, intelligence, communication,
20 logistics, and administrative duties provided by this chapter and
21 the unit chief.

22 Sec. 411.563. LAW ENFORCEMENT BORDER PROTECTION FUNCTIONS.
23 The unit chief and director may order personnel under their
24 authority to take, and the personnel may take, the following
25 actions to the extent consistent with the United States and Texas
26 Constitutions:

27 (1) deter and repel persons attempting to enter this

1 state unlawfully at locations other than ports of entry;

2 (2) return aliens to Mexico who:

3 (A) have been observed actually crossing the
4 Texas-Mexico border unlawfully; and

5 (B) were apprehended, detained, or arrested in the
6 vicinity of the Texas-Mexico border; and

7 (3) enhance the examination of aircraft, ships,
8 vehicles, railcars, and cargo at or near ports of entry for the
9 purposes of interdicting fentanyl and other dangerous drugs and
10 interdicting human smuggling.

11 Sec. 411.564. OPERATIONAL PLAN TO COORDINATE BORDER
12 SECURITY. (a) The unit shall develop and recommend to the
13 governor and report to the legislature a strategic plan that
14 establishes the framework for the budget and operations of the
15 unit, including homeland security strategies and the assistance of
16 other state and local entities. The unit shall annually report to
17 the governor and the legislature on the implementation of the
18 strategic plan.

19 (b) The unit shall include in the strategic plan goals,
20 objectives, and performance measures that involve collaboration
21 with other state agencies and local entities.

22 (c) The unit shall create plans and conduct operations
23 consistent with the strategic plan.

24 SECTION ____.08. As soon as practicable after the effective
25 date of this Act, the governor shall appoint the unit chief as
26 prescribed by Section 411.555, Government Code, as added by this
27 Act.

1 ARTICLE ____ . SEVERABILITY

2 SECTION ____ .01. (a) If any provision of this Act or its
3 application to any person or circumstance is held invalid, the
4 invalidity does not affect other provisions or applications of
5 this Act that can be given effect without the invalid provision or
6 application, and to this end the provisions of this Act are
7 declared to be severable.

8 (b) Subsection (a) of this section does not affect another
9 severability provision contained in this Act.