

Amend CSHB 7 (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering the SECTIONS and ARTICLES of the bill accordingly:

ARTICLE _____. BORDER PROTECTION PROGRAM OF DEPARTMENT OF PUBLIC SAFETY

SECTION _____.01. 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 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:

(A) the Public Safety Commission; and

(B) either:

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

(ii) the unit chief of the Border Protection Unit;

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

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

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

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

(9) officers commissioned by the General Services Commission;

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

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

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

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

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

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

(16) investigators commissioned by the Texas Medical Board;

(17) officers commissioned by:

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

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

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

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

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

(19) investigators employed by the Texas Racing Commission;

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

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

under Section 452.110, Transportation Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The Department of Public Safety of the State of Texas is an agency of the state to enforce the laws protecting the public safety, ~~and~~ provide for the prevention and detection of crime, and defend and secure the state's air, maritime, and land borders. The department is composed of the Texas Rangers, the Texas Highway Patrol, the Border Protection Unit, the administrative division, and other divisions that the commission considers necessary.

SECTION ____ .03. Section 411.004, Government Code, is amended to read as follows:

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

- (1) formulate plans and policies for:
 - (A) enforcement of state criminal, traffic, and safety laws;
 - (B) prevention of crime;
 - (C) detection and apprehension of persons who violate laws; ~~and~~
 - (D) education of citizens of this state in the promotion of public safety and the observance of law; and
 - (E) defense and security of this state's air, maritime, and land borders;
- (2) organize the department and supervise its operation;
- (3) adopt rules considered necessary for carrying out the department's work;
- (4) maintain records of all proceedings and official orders; and
- (5) biennially submit a report of its work to the governor and legislature, including the commission's and director's recommendations.

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

- (a) Subject to Section 411.556, the ~~The~~ director shall:
 - (1) be directly responsible to the commission for the conduct of and act as executive director of the Texas Highway Patrol, the Texas Rangers, and other administrative divisions and departments assigned by the commission, other than the Border

Protection Unit [~~the department's affairs~~];

(2) [~~act as executive director of the department,~~
[~~3~~] act with the commission in an advisory capacity,
without vote;

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

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

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

(6) [~~7~~] quarterly, annually, and biennially submit to the commission detailed reports of the operation of the department, including statements of its expenditures; and

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

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

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

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

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

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

(2) makes a copy or likeness of a badge, identification card, or department insignia, with intent to use or allow another to use the copy or likeness to produce an item bearing the department insignia or an insignia deceptively similar to the

department's; or

(3) uses the term "Texas Department of Public Safety," "Department of Public Safety," "Texas Ranger," ~~or~~ "Texas Highway Patrol," or "Border Protection Unit" in connection with an object, with the intent to create the appearance that the object belongs to or is being used by the department.

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

SUBCHAPTER S. BORDER PROTECTION UNIT

Sec. 411.551. DEFINITIONS. In this subchapter:

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

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

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

Sec. 411.552. BORDER PROTECTION UNIT; TERM OF AUTHORIZATION. (a) The unit is a division under the commission consisting of the number of commissioned officers and other employees authorized by the legislature.

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

(c) This subchapter expires December 31, 2030.

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

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

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

(b) The unit chief may appoint, with the advice and consent of the commission, deputy unit chiefs and assistant unit chiefs who

shall perform the duties that the unit chief designates. Deputy unit chiefs and assistant unit chiefs serve until removed by the unit chief.

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

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

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

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

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

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

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

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

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

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

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

(b) The unit chief or unit chief's designee shall provide to members of the commission and to employees of the unit, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a

person's responsibilities under applicable law relating to standards of conduct for state officers or employees.

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

- (1) Section 411.007;
- (2) Section 411.0071;
- (3) Section 411.0075;
- (4) Section 411.0079;
- (5) Section 411.009;
- (6) Section 411.0095;
- (7) Section 411.0097, as added by Section 3, Chapter 556 (HB 1239), Acts of the 79th Legislature, Regular Session, 2005;
- (8) Section 411.0097, as added by Section 1, Chapter 693 (SB 293), Acts of the 79th Legislature, Regular Session, 2005;
- (9) Section 411.0098;
- (10) Section 411.013(b);
- (11) Section 411.0131;
- (12) Section 411.0132;
- (13) Section 411.0141(e);
- (14) Section 411.015;
- (15) Section 411.016;
- (16) Section 411.0161;
- (17) Section 411.0162;
- (18) Section 411.0163;
- (19) Section 411.0164;
- (20) Section 411.017;
- (21) Section 411.018;
- (22) Sections 411.0207(c)(1)-(5);
- (23) Sections 411.0208(d) and (e);
- (24) Section 411.0209;
- (25) Section 411.02095;
- (26) Section 411.0865;

(27) Section 411.087(e);

(28) Section 411.0891; and

(29) Section 411.154.

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

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

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

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

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

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

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

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

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

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

(A) conduct described by Subdivision (2);

(B) criminal activity occurring within the unit;

(C) allegations of wrongdoing by unit employees;

(D) crimes committed on unit property; and

(E) serious breaches of unit policy.

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

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

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

Sec. 411.560. AUTHORITY OF OFFICERS. (a) A commissioned officer of the unit is governed by the law regulating and defining the powers and duties of sheriffs performing similar duties, except that the officer may make arrests and execute processes in a criminal case in any county in the border region.

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

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

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

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

Sec. 411.563. LAW ENFORCEMENT BORDER PROTECTION FUNCTIONS.

The unit chief and director may order personnel under their authority to take, and the personnel may take, the following actions to the extent consistent with the United States and Texas Constitutions:

(1) deter and repel persons attempting to enter this state unlawfully at locations other than ports of entry;

(2) return aliens to Mexico who:

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

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

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

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

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

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

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

ARTICLE ____ . SEVERABILITY

SECTION ____ .01. (a) If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or

application, and to this end the provisions of this Act are declared to be severable.

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