

## **BILL ANALYSIS**

C.S.H.B. 884  
By: Harless  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current state law, border patrol agents do not have the power to arrest those who they encounter committing an offense during the course of their duties along the Texas border. Border patrol agents report being routinely confronted with serious criminal acts such as evading arrest, drug smuggling, drug possession, and human trafficking. C.S.H.B. 884 seeks to improve public safety in Texas by granting to federal border patrol agents the powers of arrest and search and seizure as to any felony offense under state law and any criminal federal offense within certain counties, primarily those on or near the Texas-Mexico border.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 884 amends the Code of Criminal Procedure to grant to a border patrol agent of the U.S. Customs and Border Protection the powers of arrest, search, and seizure as to any felony offense under state law, or any criminal offense under federal law, that is committed within the boundaries of any of the following counties:

- a county adjacent to the Texas-Mexico border or the Gulf of Mexico;
- a county adjacent to any such county; or
- a county served by an attorney representing the state whose jurisdiction includes any of these counties.

The bill requires the Office of the Attorney General (OAG), as soon as practicable after the bill's effective date, to give written notice to the commanding authority of each U.S. border patrol sector in Texas regarding the authority granted to border patrol agents by the bill and the counties in that sector in which this authority may be exercised.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 884 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced granted the powers of arrest, search, and seizure under state law as to all felony offenses committed in Texas to customs and border protection officers and border patrol agents of the U.S. Customs and Border Protection and to immigration enforcement agents and deportation officers of the Department of Homeland Security, the substitute grants those powers only to border patrol agents and only with respect to a felony offense under state law, or a criminal offense under federal law, committed within the boundaries of certain counties.

The substitute includes a provision that did not appear in the original requiring the OAG to notify the commanding authority of each U.S. border patrol sector in Texas regarding the authority granted to border patrol agents under the bill and the counties in that sector in which the authority may be exercised.