

BILL ANALYSIS

S.B. 602
By: Birdwell
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, federal border patrol agents are allowed to detain certain individuals pending transfer to a peace officer. They are only permitted to exercise this authority at established border patrol checkpoints and points of entry. This authority does not include the power to arrest or conduct search and seizure. S.B. 602 seeks to provide border patrol agents with the tools necessary to further combat the border crisis by granting these agents the powers of arrest, search, and seizure for any felony offense under state law at a port of entry or a designated traffic checkpoint if the officer has completed training on the criminal laws of the State of Texas.

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

S.B. 602 amends the Government Code to require the Department of Public Safety (DPS) to develop a training program for border patrol agents of the U.S. Customs and Border Protection (CBP) on the criminal laws of the State of Texas, including laws relating to arrest, search, and seizure. The bill requires DPS, on request, to provide the training program to a border patrol agent and authorizes DPS to enter into a written agreement with CBP for purposes of providing the training program.

S.B. 602 amends the Code of Criminal Procedure to grant to a border patrol agent who has completed the training program the powers of arrest and search and seizure as to any felony offense under Texas law if the arrest, search, or seizure is incident to a detention under federal law and occurs on the premises of a port facility designated by the CBP commissioner as a port of entry or at a border patrol traffic checkpoint. The bill clarifies that this grant is in addition to the powers already granted to border patrol agents to detain a person under state law and requires the Office of the Attorney General to give written notice as soon as practicable after the bill's effective date 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 circumstances under which this authority may be exercised.

EFFECTIVE DATE

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