88R3971 JCG-D

By:  Harless H.B. No. 884

A BILL TO BE ENTITLED

AN ACT

relating to granting limited state law enforcement authority to certain federal officers and agents.

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

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

(c)  A Customs and Border Protection Officer or Border Patrol Agent of the United States Customs and Border Protection or an immigration enforcement agent or deportation officer of the Department of Homeland Security is not a peace officer under the laws of this state but:

(1)  has the powers of arrest, search, and seizure under the laws of this state as to felony offenses committed in this state; and

(2)  [~~,~~] on the premises of a port facility designated by the commissioner of the United States Customs and Border Protection as a port of entry for arrival in the United States by land transportation from the United Mexican States into the State of Texas or at a permanent established border patrol traffic checkpoint [~~check point~~], has the authority to detain a person pending transfer without unnecessary delay to a peace officer if the agent or officer has probable cause to believe that the person has engaged in conduct that is a violation of Section 49.02 or[~~,~~] 49.04, [~~49.07, or 49.08,~~] Penal Code, regardless of whether the violation may be disposed of in a criminal proceeding or a juvenile justice proceeding.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.