

By: Harless

H.B. No. 884

A BILL TO BE ENTITLED

1 AN ACT
2 relating to granting limited state law enforcement authority to
3 certain federal officers and agents.

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

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

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

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

15 (2) [✓] on the premises of a port facility designated
16 by the commissioner of the United States Customs and Border
17 Protection as a port of entry for arrival in the United States by
18 land transportation from the United Mexican States into the State
19 of Texas or at a permanent established border patrol traffic
20 checkpoint [check-point], has the authority to detain a person
21 pending transfer without unnecessary delay to a peace officer if
22 the agent or officer has probable cause to believe that the person
23 has engaged in conduct that is a violation of Section 49.02 or [✓]
24 49.04, [49.07, or 49.08,] Penal Code, regardless of whether the

1 violation may be disposed of in a criminal proceeding or a juvenile
2 justice proceeding.

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