

By: Birdwell, Flores

S.B. No. 602

A BILL TO BE ENTITLED

AN ACT

relating to the law enforcement authority of federal border patrol agents.

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

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

(c-1) In addition to the power granted under Subsection (c), a Border Patrol Agent of the United States Customs and Border Protection who completed the training program described by Section 411.02093, Government Code, has the powers of arrest and search and seizure as to any felony offense under the laws of this state if the arrest, search, or seizure:

(1) occurs on the premises of a port facility designated by the commissioner of the United States Customs and Border Protection as a port of entry or at a border patrol traffic checkpoint; and

(2) is incident to a detainment under federal law.

SECTION 2. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.02093 to read as follows:

Sec. 411.02093. STATE CRIMINAL LAW TRAINING PROGRAM FOR BORDER PATROL AGENTS. (a) The department shall:

(1) develop a training program for Border Patrol Agents of the United States Customs and Border Protection on the criminal laws of this state, including laws relating to arrest,

1 search, and seizure; and

2 (2) on request, provide the training program developed
3 under Subdivision (1) to a Border Patrol Agent.

4 (b) The department may enter into a written agreement with
5 the United States Customs and Border Protection for purposes of
6 providing the training program developed under this section.

7 SECTION 3. As soon as practicable after the effective date
8 of this Act, the office of the attorney general shall give written
9 notice to the commanding authority of each United States border
10 patrol sector in this state regarding the authority granted to
11 border patrol agents by this Act and the circumstances under which
12 this authority may be exercised.

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