

By: Birdwell

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 amending Subsection (c) and adding Subsection (h) 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, 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, 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.

(h) A Border Patrol Agent of the United States Customs and

1 Border Protection is not a peace officer but has the powers of  
2 arrest and search and seizure as to any offense under the laws of  
3 this state or federal law.

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