

By: Hopper

H.B. No. 1982

A BILL TO BE ENTITLED

AN ACT

relating to limitations on federal authority and federal agents in this state, including the licensure of federal agents and special procedures for executing federal warrants; creating a criminal offense.

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

ARTICLE 1. LIMITATIONS ON FEDERAL AUTHORITY AND FEDERAL AGENTS

SECTION 1.01. Title 7, Government Code, is amended by adding Chapter 741 to read as follows:

CHAPTER 741. LIMITATIONS ON FEDERAL AUTHORITY AND FEDERAL AGENTS

IN THIS STATE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 741.001. DEFINITIONS. In this chapter:

(1) "federal agent" means an elected or appointed federal officer or any employee of a federal agency, including a federal law enforcement officer.

(2) "Criminal prosecutions division" means the criminal prosecutions division of the attorney general's office.

Sec. 741.002. CONFLICT OF LAWS. To the extent this chapter conflicts with another law, this chapter prevails.

SUBCHAPTER B. PEACE OFFICER LICENSING

Sec. 741.051. LICENSURE OF FEDERAL AGENT AS PEACE OFFICER PROHIBITED. The Texas Commission on Law Enforcement may not issue a peace officer license to a federal agent.

1 Sec. 741.052. REVOCATION OF PEACE OFFICER LICENSE IF PERSON
2 IS FEDERAL AGENT. The Texas Commission on Law Enforcement shall
3 revoke under the procedures provided by Subchapter K, Chapter 1701,
4 Occupations Code, the peace officer license of a person who is a
5 federal agent.

6 SUBCHAPTER C. SPECIAL PROCEDURE FOR FEDERAL WARRANTS

7 Sec. 741.101. ATTORNEY GENERAL REVIEW OF FEDERAL WARRANT.

8 (a) A search or arrest warrant issued by a federal court,
9 including the United States Foreign Intelligence Surveillance
10 Court, against a United States citizen domiciled in Texas, may not
11 be executed in this state unless:

12 (1) the warrant is reviewed and approved by criminal
13 prosecutions division of the attorney general's office; and

14 (2) the appropriate sheriff for the county where the
15 warrant is to be executed;

16 (3) subject to Section 741.103, the appropriate
17 sheriff may at their discretion execute the warrant on behalf of the
18 federal government.

19 (b) A federal agent may apply to the attorney general for
20 review of a warrant described by Subsection (a). The application
21 must include:

22 (1) all of the evidence that forms the basis for the
23 finding of probable cause underlying the warrant, regardless of
24 which court or grand jury the evidence was presented to; and

25 (2) any rulings, findings of fact, or conclusions of
26 law the court made in issuing the warrant.

27 (c) In the discretion of the attorney general, the attorney

1 general may approve or disapprove the execution of the warrant in
2 this state.

3 Sec. 741.102. APPROVED WARRANT PROVIDED TO APPROPRIATE
4 SHERIFF. On approving a warrant under Section 741.101, the
5 attorney general shall provide a certified copy of the warrant to
6 the appropriate sheriff with jurisdiction of the county in which
7 the warrant is to be executed.

8 Sec. 741.103. SHERIFF MAY REFUSE OR EXECUTE WARRANT. (a)
9 On receipt of a warrant under Section 741.102, the sheriff may:

10 (1) execute the warrant;

11 (2) grant authority for federal law enforcement to
12 execute the warrant; or

13 (3) refuse to execute the warrant.

14 (b) If the sheriff executes a warrant described by Section
15 741.102, a federal agent may only be present when the warrant is
16 executed with approval of the sheriff for the county in which the
17 warrant is to be executed.

18 SUBCHAPTER D. HEARING REQUIRED FOR SURRENDER OF TEXAS CITIZEN TO
19 FEDERAL CUSTODY

20 Sec. 741.151. (a) In this section, "correctional facility"
21 has the meaning assigned by Section 1.07, Penal Code.

22 (b) A citizen of this state confined in any correctional
23 facility in this state is entitled to a hearing before the citizen
24 may be transferred into the custody of a federal agent or agency.

25 (c) The hearing must be held by a district court of this
26 state.

1 SUBCHAPTER E. LIMITATIONS ON FEDERAL AUTHORITY

2 Sec. 741.201. CERTAIN FEDERAL AUTHORITY NOT RECOGNIZED.

3 (a) A federal agent may not discharge the agent's official duties
4 on any property in this state, other than property for which the
5 United States has exclusive or concurrent jurisdiction and only to
6 the extent of that jurisdiction, unless the federal agent is
7 discharging official duties for which legal authority is
8 specifically enumerated in the United States Constitution, or is
9 acting pursuant to the request, or with the approval of, state or
10 local law enforcement.

11 (b) This state does not recognize the authority under
12 federal law for a federal agent to engage in conduct that violates
13 Subsection (a).

14 SECTION 1.02. Section 37.11(a), Penal Code, is amended to
15 read as follows:

16 (a) A person commits an offense if the person:

17 (1) impersonates a public servant with intent to
18 induce another to submit to the person's pretended official
19 authority or to rely on the person's pretended official acts; ~~or~~

20 (2) knowingly purports to exercise, without legal
21 authority, any function of a public servant or of a public office,
22 including that of a judge and court; or

23 (3) knowingly engages in conduct that violates Section
24 741.201(a), Government Code.

25 SECTION 1.03. Art. 2A.002(a), Code of Criminal Procedure,
26 is amended to read as follows:

27 (a) The following criminal investigators of the United

1 States are not peace officers ~~but~~ and do not have the powers of
2 arrest, search, and seizure, for violations of law in this state not
3 expressly granted by statute, unless at the direction of state and
4 local law enforcement or as to felony offenses only:

5 ARTICLE 2. CONFORMING AMENDMENTS

6 SECTION 2.01. Article 2A.052(b), Code of Criminal
7 Procedure, is amended to read as follows:

8 (b) An establishment serving the public may not prohibit or
9 otherwise restrict a peace officer or federal special investigator
10 as defined by Section 1.07, Penal Code, from carrying on the
11 establishment's premises a weapon that the officer or investigator
12 is otherwise authorized to carry, regardless of whether the officer
13 or investigator is engaged in the actual discharge of the officer's
14 or investigator's duties while carrying the weapon.

15 SECTION 2.02. The heading to Article 38.141, Code of
16 Criminal Procedure, is amended to read as follows:

17 Art. 38.141. TESTIMONY OF UNDERCOVER PEACE OFFICER OR
18 SPECIAL INVESTIGATOR.

19 SECTION 2.03. Articles 38.141(a) and (c), Code of Criminal
20 Procedure, are amended to read as follows:

21 (a) A defendant may not be convicted of an offense under
22 Chapter 481, Health and Safety Code, on the testimony of a person
23 who is not a licensed peace officer or a special investigator but
24 who is acting covertly on behalf of a law enforcement agency or
25 under the color of law enforcement unless the testimony is
26 corroborated by other evidence tending to connect the defendant
27 with the offense committed.

1 (c) In this article, "peace officer" means a person listed
2 in Article 2A.001, and "special investigator" means a person listed
3 in Article 2A.002.

4 SECTION 2.04. Section 552.1175(a), Government Code, is
5 amended to read as follows:

6 (a) This section applies only to:

7 (1) current or honorably retired peace officers as
8 defined by Article 2A.001, Code of Criminal Procedure, or federal
9 special investigators as defined by Section 1.07, Penal Code
10 described by Article 2A.002, Code of Criminal Procedure;

11 (2) current or honorably retired county jailers as
12 defined by Section 1701.001, Occupations Code;

13 (3) current or former employees of the Texas
14 Department of Criminal Justice or of the predecessor in function of
15 the department or any division of the department;

16 (4) commissioned security officers as defined by
17 Section 1702.002, Occupations Code;

18 (5) a current or former district attorney, criminal
19 district attorney, or county or municipal attorney whose
20 jurisdiction includes any criminal law or child protective services
21 matters;

22 (6) [~~5-a~~] a current or former employee of a district
23 attorney, criminal district attorney, or county or municipal
24 attorney whose jurisdiction includes any criminal law or child
25 protective services matters;

26 (7) [~~6~~] officers and employees of a community
27 supervision and corrections department established under Chapter

1 76 who perform a duty described by Section 76.004(b);

2 (8) ~~(7)~~ criminal investigators of the United States as
3 described by Article 2A.002(a), Code of Criminal Procedure;

4 (9) ~~(8)~~ current or honorably retired police officers
5 and inspectors of the United States Federal Protective Service;

6 (10) ~~(9)~~ current and former employees of the office of
7 the attorney general who are or were assigned to a division of that
8 office the duties of which involve law enforcement or are performed
9 under Chapter 231, Family Code;

10 (11) ~~(10)~~ current or former juvenile probation and
11 detention officers certified by the Texas Juvenile Justice
12 Department, or the predecessors in function of the department,
13 under Title 12, Human Resources Code;

14 (12) ~~(11)~~ current or former employees of a juvenile
15 justice program or facility, as those terms are defined by Section
16 261.405, Family Code;

17 (13) ~~(12)~~ current or former employees of the Texas
18 Juvenile Justice Department or the predecessors in function of the
19 department;

20 (14) ~~(13)~~ federal judges and state judges as defined
21 by Section 1.005, Election Code;

22 (15) ~~(14)~~ current or former employees of the Texas
23 Civil Commitment Office or of the predecessor in function of the
24 office or a division of the office;

25 (16) ~~(15)~~ a current or former member of the United
26 States Army, Navy, Air Force, Coast Guard, or Marine Corps, an
27 auxiliary service of one of those branches of the armed forces, or

1 the Texas military forces, as that term is defined by Section
2 [437.001](#);

3 (17) ~~(16)~~ a current or former child protective
4 services caseworker, adult protective services caseworker, or
5 investigator for the Department of Family and Protective Services
6 or a current or former employee of a department contractor
7 performing child protective services caseworker, adult protective
8 services caseworker, or investigator functions for the contractor
9 on behalf of the department;

10 (18) ~~(17)~~ an elected public officer;

11 (19) ~~(18)~~ a firefighter or volunteer firefighter or
12 emergency medical services personnel as defined by Section [773.003](#),
13 Health and Safety Code; and

14 (20) ~~(19)~~ a current or former United States attorney,
15 assistant United States attorney, federal public defender, deputy
16 federal public defender, or assistant federal public defender.

17 SECTION 2.05. Section [3105.003](#)(a), Government Code, is
18 amended to read as follows:

19 (a) A person is eligible to have the person's name on the
20 monument if the person was killed in the line of duty and was:

21 (1) a law enforcement officer or peace officer for
22 this state or a political subdivision of this state under Article
23 [2A.001](#), Code of Criminal Procedure, or other law;

24 (2) a federal law enforcement officer or special agent
25 performing duties in this state, including those officers under
26 Article [2A.002](#), Code of Criminal Procedure;

27 (3) a corrections or detention officer or county or

1 municipal jailer employed or appointed by a municipal, county, or
2 state penal institution in this state; or

3 (4) employed by this state or a political subdivision
4 of this state and considered by the person's employer to be a
5 trainee for a position described by Subdivision (1), (2), or (3).

6 SECTION 2.06. Section 243.051(a), Human Resources Code, is
7 amended to read as follows:

8 (a) If a child who has been committed to the department and
9 placed by the department in any institution or facility has escaped
10 or has been released under supervision and broken the conditions of
11 release:

12 (1) a sheriff, deputy sheriff, constable, [~~special~~
13 ~~investigator,~~] or peace officer may, without a warrant, arrest the
14 child; or

15 (2) a department employee designated by the executive
16 director may, without a warrant or other order, take the child into
17 the custody of the department.

18 SECTION 2.09. Section 86.0021(a), Local Government Code, is
19 amended to read as follows:

20 (a) A person is not eligible to serve as constable unless:

21 (1) the person is eligible to be licensed under
22 Sections 1701.309 and 1701.312, Occupations Code, and:

23 (A) has at least an associate's degree conferred
24 by an institution of higher education accredited by an accrediting
25 organization recognized by the Texas Higher Education Coordinating
26 Board; or

27 (B) [~~is a special investigator under Article~~

1 ~~2A.002(a), Code of Criminal Procedure, or~~

2 [~~(C)~~] is an honorably retired peace officer or
3 honorably retired federal criminal investigator who holds a
4 certificate of proficiency issued under Section 1701.357,
5 Occupations Code; or

6 (2) the person is an active or inactive licensed peace
7 officer under Chapter 1701, Occupations Code.

8 SECTION 2.10. Section 1.07(a)(46-b), Penal Code, is amended
9 to read as follows:

10 (46-b) "Federal special investigator" means a person
11 described by Article 2A.002, Code of Criminal Procedure

12 SECTION 2.11. Section 20.01(8), Penal Code, is amended to
13 read as follows:

14 (8) "Federal special [~~Special~~] investigator" includes
15 an agent of the United States Department of Homeland Security.

16 SECTION 2.12. Section 20.05(a), Penal Code, is amended to
17 read as follows:

18 (a) A person commits an offense if the person knowingly:

19 (1) uses a motor vehicle, aircraft, watercraft, or
20 other means of conveyance to transport an individual with the
21 intent to:

22 (A) conceal the individual from a peace officer
23 or federal special investigator; or

24 (B) flee from a person the actor knows is a peace
25 officer or federal special investigator attempting to lawfully
26 arrest or detain the actor;

27 (2) encourages or induces a person to enter or remain

1 in this country in violation of federal law by concealing,
2 harboring, or shielding that person from detection; or

3 (3) assists, guides, or directs two or more
4 individuals to enter or remain on agricultural land without the
5 effective consent of the owner.

6 SECTION 2.13. Section 30.05(i), Penal Code, is amended to
7 read as follows:

8 (i) This section does not apply if:

9 (1) the basis on which entry on the property or land or
10 in the building was forbidden is that entry with a handgun or other
11 weapon was forbidden; and

12 (2) the actor at the time of the offense was a peace
13 officer, including a commissioned peace officer of a recognized
14 state, or a federal special investigator under Article 2A.002, Code
15 of Criminal Procedure, regardless of whether the peace officer or
16 federal special investigator was engaged in the actual discharge of
17 an official duty while carrying the weapon.

18 SECTION 2.14. Section 46.15(a), Penal Code, as amended by
19 Chapters 501 (H.B. 2291), 765 (H.B. 4504), and 1077 (S.B. 599), Acts
20 of the 88th Legislature, Regular Session, 2023, is reenacted and
21 amended to read as follows:

22 (a) Sections 46.02 and 46.03 do not apply to:

23 (1) peace officers or federal special investigators
24 under Article 2A.002, Code of Criminal Procedure, and neither
25 section prohibits a peace officer or federal special investigator
26 from carrying a weapon in this state, including in an establishment
27 in this state serving the public, regardless of whether the peace

1 officer or federal special investigator is engaged in the actual
2 discharge of the officer's or investigator's duties while carrying
3 the weapon;

4 (2) parole officers, and neither section prohibits an
5 officer from carrying a weapon in this state if the officer is:

6 (A) engaged in the actual discharge of the
7 officer's duties while carrying the weapon; and

8 (B) in compliance with policies and procedures
9 adopted by the Texas Department of Criminal Justice regarding the
10 possession of a weapon by an officer while on duty;

11 (3) community supervision and corrections department
12 officers appointed or employed under Section 76.004, Government
13 Code, and neither section prohibits an officer from carrying a
14 weapon in this state if the officer is:

15 (A) engaged in the actual discharge of the
16 officer's duties while carrying the weapon; and

17 (B) authorized to carry a weapon under Section
18 76.0051, Government Code;

19 (4) an active or retired judicial officer as defined
20 by Section 411.201, Government Code, who is licensed to carry a
21 handgun under Subchapter H, Chapter 411, Government Code;

22 (5) an honorably retired peace officer or other
23 qualified retired law enforcement officer, as defined by 18 U.S.C.
24 Section 926C, who holds a certificate of proficiency issued under
25 Section 1701.357, Occupations Code, and is carrying a photo
26 identification that is issued by a federal, state, or local law
27 enforcement agency, as applicable, and that verifies that the

1 officer is an honorably retired peace officer or other qualified
2 retired law enforcement officer;

3 (6) the attorney general or a United States attorney,
4 district attorney, criminal district attorney, county attorney, or
5 municipal attorney who is licensed to carry a handgun under
6 Subchapter H, Chapter 411, Government Code;

7 (7) an assistant United States attorney, assistant
8 attorney general, assistant district attorney, assistant criminal
9 district attorney, or assistant county attorney who is licensed to
10 carry a handgun under Subchapter H, Chapter 411, Government Code;

11 (8) a bailiff designated by an active judicial officer
12 as defined by Section 411.201, Government Code, who is:

13 (A) licensed to carry a handgun under Subchapter
14 H, Chapter 411, Government Code; and

15 (B) engaged in escorting the judicial officer;

16 (9) a juvenile probation officer who is authorized to
17 carry a firearm under Section 142.006, Human Resources Code;

18 (10) a person who is volunteer emergency services
19 personnel if the person is:

20 (A) carrying a handgun under the authority of
21 Subchapter H, Chapter 411, Government Code; and

22 (B) engaged in providing emergency services;

23 [~~or~~]

24 (11) a person who:

25 (A) retired after serving as a judge or justice
26 described by Section 411.201(a)(1), Government Code; and

27 (B) is licensed to carry a handgun under

1 Subchapter H, Chapter 411, Government Code; or

2 (12) [~~11~~] a district or county clerk who is carrying
3 a handgun the clerk is licensed to carry under Subchapter H, Chapter
4 411, Government Code.

5 SECTION 2.15. Section 201.910(b), Transportation Code, is
6 amended to read as follows:

7 (b) As used in this section, "peace officer" means a person
8 who was:

9 (1) a law enforcement officer or peace officer for
10 this state or a political subdivision of this state under Article
11 2A.001, Code of Criminal Procedure, or other law; or

12 (2) a federal law enforcement officer or special agent
13 performing duties in this state, including those officers under
14 Article 2A.002, Code of Criminal Procedure.

15 SECTION 2.16. Section 521.1211(a)(1), Transportation Code,
16 is amended to read as follows:

17 (1) "Peace officer" has the meaning assigned by
18 Article 2A.001, Code of Criminal Procedure, except that the term
19 includes a federal special investigator as defined by Article
20 2A.002, Code of Criminal Procedure.

21 SECTION 2.17. Section 25.025(a), Tax Code, as amended by
22 Chapters 76 (S.B. 617), 152 (S.B. 870), 430 (H.B. 1911), 765 (H.B.
23 4504), and 937 (S.B. 1525), Acts of the 88th Legislature, Regular
24 Session, 2023, is reenacted and amended to read as follows:

25 (a) This section applies only to:

26 (1) a current or former peace officer as defined by
27 Article 2A.001, Code of Criminal Procedure, and the spouse or

1 surviving spouse of the peace officer;

2 (2) the adult child of a current peace officer as
3 defined by Article 2A.001, Code of Criminal Procedure;

4 (3) a current or honorably retired county jailer as
5 defined by Section 1701.001, Occupations Code;

6 (4) an employee of the Texas Department of Criminal
7 Justice;

8 (5) a commissioned security officer as defined by
9 Section 1702.002, Occupations Code;

10 (6) an individual who shows that the individual, the
11 individual's child, or another person in the individual's household
12 is a victim of family violence as defined by Section 71.004, Family
13 Code, by providing:

14 (A) a copy of a protective order issued under
15 Chapter 85, Family Code, or a magistrate's order for emergency
16 protection issued under Article 17.292, Code of Criminal Procedure;
17 or

18 (B) other independent documentary evidence
19 necessary to show that the individual, the individual's child, or
20 another person in the individual's household is a victim of family
21 violence;

22 (7) an individual who shows that the individual, the
23 individual's child, or another person in the individual's household
24 is a victim of sexual assault or abuse, stalking, or trafficking of
25 persons by providing:

26 (A) a copy of a protective order issued under
27 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a

1 magistrate's order for emergency protection issued under Article
2 [17.292](#), Code of Criminal Procedure; or

3 (B) other independent documentary evidence
4 necessary to show that the individual, the individual's child, or
5 another person in the individual's household is a victim of sexual
6 assault or abuse, stalking, or trafficking of persons;

7 (8) a participant in the address confidentiality
8 program administered by the attorney general under Subchapter B,
9 Chapter [58](#), Code of Criminal Procedure, who provides proof of
10 certification under Article [58.059](#), Code of Criminal Procedure;

11 (9) a federal judge, a federal bankruptcy judge, a
12 marshal of the United States Marshals Service, a state judge, or a
13 family member of a federal judge, a federal bankruptcy judge, a
14 marshal of the United States Marshals Service, or a state judge;

15 (10) a current or former district attorney, criminal
16 district attorney, or county or municipal attorney whose
17 jurisdiction includes any criminal law or child protective services
18 matters;

19 (11) a current or former employee of a district
20 attorney, criminal district attorney, or county or municipal
21 attorney whose jurisdiction includes any criminal law or child
22 protective services matters;

23 (12) an officer or employee of a community supervision
24 and corrections department established under Chapter [76](#),
25 Government Code, who performs a duty described by Section [76.004](#)(b)
26 of that code;

27 (13) a criminal investigator of the United States as

1 described by Article 2A.002(a), Code of Criminal Procedure;

2 (14) a current or honorably retired police officer or
3 inspector of the United States Federal Protective Service;

4 (15) a current or former United States attorney,
5 assistant United States attorney, federal public defender, deputy
6 federal public defender, or assistant federal public defender and
7 the spouse and child of the attorney or public defender;

8 (16) a current or former employee of the office of the
9 attorney general who is or was assigned to a division of that office
10 the duties of which involve law enforcement or are performed under
11 Chapter 231, Family Code;

12 (17) a medical examiner or person who performs
13 forensic analysis or testing who is employed by this state or one or
14 more political subdivisions of this state;

15 (18) a current or former member of the United States
16 armed forces who has served in an area that the president of the
17 United States by executive order designates for purposes of 26
18 U.S.C. Section 112 as an area in which armed forces of the United
19 States are or have engaged in combat;

20 (19) a current or former employee of the Texas
21 Juvenile Justice Department or of the predecessors in function of
22 the department;

23 (20) a current or former juvenile probation or
24 supervision officer certified by the Texas Juvenile Justice
25 Department, or the predecessors in function of the department,
26 under Title 12, Human Resources Code;

27 (21) a current or former employee of a juvenile

1 justice program or facility, as those terms are defined by Section
2 261.405, Family Code;

3 (22) a current or former employee of the Texas Civil
4 Commitment Office or the predecessor in function of the office or a
5 division of the office;

6 (23) a current or former employee of a federal judge or
7 state judge;

8 (24) a current or former child protective services
9 caseworker, adult protective services caseworker, or investigator
10 for the Department of Family and Protective Services or a current or
11 former employee of a department contractor performing child
12 protective services caseworker, adult protective services
13 caseworker, or investigator functions for the contractor on behalf
14 of the department;

15 (25) an elected public officer;

16 (26) a firefighter or volunteer firefighter or
17 emergency medical services personnel as defined by Section 773.003,
18 Health and Safety Code;

19 (27) a customs and border protection officer or border
20 patrol agent of United States Customs and Border Protection or the
21 spouse, surviving spouse, or adult child of a customs and border
22 protection officer or border patrol agent;

23 ~~(28) [(27) a current or former attorney for the~~
24 ~~Department of Family and Protective Services~~

25 ~~[(27)]~~ a current or former employee or contract staff
26 member of a university health care provider at a corrections
27 facility operated by the Texas Department of Criminal Justice or

1 the Texas Juvenile Justice Department; and
2 (29) [~~(28)~~] a current or former attorney for the
3 Department of Family and Protective Services.

4 ARTICLE 3. REPEALER; TRANSITIONS; EFFECTIVE DATE

5 SECTION 3.01. The following provisions are repealed:

6 (1) Section 100.001, Civil Practice and Remedies Code.

7 (2) Section 85.011, Local Government Code, Subsection

8 (3).

9 SECTION 3.02. Section 741.052, Government Code, as added by
10 this Act, applies to a person who holds a peace officer license and
11 is a federal agent on or after the effective date of this Act.

12 SECTION 3.03. To the extent of any conflict, this Act
13 prevails over another Act of the 89th Legislature, Regular Session,
14 2025, relating to nonsubstantive additions to and corrections in
15 enacted codes.

16 SECTION 3.04. This Act takes effect September 1, 2025.