

**SUBJECT:** Arrest authority outside jurisdiction for prosecutor investigators

**COMMITTEE:** Public Safety — favorable, without amendment

**VOTE:** 9 ayes — B. Turner, Keel, Berman, Carter, Driver, Gutierrez, Hupp, P. King, Najera  
0 nays

**WITNESSES:** None

**DIGEST:** HB 1121 would add investigators of a district attorney's, criminal district attorney's, or county attorney's office to the list of licensed peace officers authorized by the Code of Criminal Procedure to make arrests outside of the officer's jurisdiction without a warrant for offenses committed in the officer's presence or view.

The bill also would include investigators of a district attorney's, criminal district attorney's, or county attorney's office in the Local Government Code's list of law enforcement officers who are authorized to take part in task forces among counties, municipalities, and joint airports and to make arrests within any part of the task force's jurisdiction.

HB 1121 would take effect on September 1, 1999.

**SUPPORTERS SAY:** HB 1121 would ensure that investigators for prosecutors' offices, who often must travel outside their jurisdictions when working on a case, have arrest authority outside their jurisdictions. This would make these investigators more effective and efficient.

Clarifying these investigators' authority would prevent the overturning of criminal convictions because of a legal technicality over jurisdiction, such as recently occurred in West Texas. Working for a joint task force that included more than a dozen counties, a district attorney's investigator arrested an individual in possession of cocaine. The arrest occurred within the jurisdiction of the joint task force but not within the jurisdiction of the district attorney's office. The El Paso appeals court overturned the conviction, ruling that because the district attorney's investigator was not included in the Local

Government Code's definition of a law enforcement officer, he was not authorized to participate in the task force and not authorized to make the arrest.

HB 1121 would not cause a significant change in the status of investigators for prosecutors' offices because the Code of Criminal Procedure already designates them as peace officers. Like all peace officers, they can make arrests outside their jurisdictions in certain circumstances, such as a danger of further bodily injury, specified in Article 14.03. Like all peace officers, these investigators must be licensed by the Texas Commission on Law Enforcement Officer Standards and Education.

**OPPONENTS  
SAY:**

HB 1121 would expand the authority of investigators for district attorneys, criminal district attorneys, and county attorneys, who traditionally have acted as interviewers and developers of cases rather than as law enforcement officers. Current law reserves authority to make arrests outside jurisdictions (except for traffic violations) to four types of peace officers: sheriffs and their deputies, constables and deputy constables, local marshals or police officers, and Department of Public Safety peace officers. HB 1121 could open the door to other types of peace officers wanting similar arrest authority.

Investigators for prosecutors' offices should not have powers equal to those of county, municipal, or state police officers. Investigators working with other law enforcement officers could rely on those officers to make arrests outside the investigators' jurisdictions.