

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 253  
By: Denny (Wentworth)  
Criminal Justice  
5-18-97  
Committee Report (Substituted)

### **DIGEST**

Currently, Article 2.122 of the Code of Criminal Procedure recognizes certain United States agents as criminal investigators with the powers of arrest and search and seizure, but only for offenses deemed to be felonies under the laws of the State of Texas. Marshals and deputy marshals of the U.S. Marshals Service do not have this power, and must contact the sheriff's department or other local law enforcement agencies to make the arrest and/or search and seizure. C.S.H.B. 253 allows marshals and deputy marshals of the U.S. Marshals Service to be named to the list of criminal investigators that have the powers of arrest and search and seizure for felony offenses under the laws of the State of Texas.

### **PURPOSE**

As proposed, C.S.H.B. 253 provides for granting limited state law enforcement authority to marshals and deputy marshals of the U.S. government.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 2.122(a), Code of Criminal Procedure, to prohibit, among others, special agents of the U.S. Customs Service; marshals and deputy marshals of the U.S. Marshals Service; special agents of the U.S. Immigration and Naturalization Service; and special agents of the U.S. Department of State, Bureau of Diplomatic Security, from being deemed peace officers, but requires them to have the powers of arrest, search and seizure as to felony offenses only under the laws of the State of Texas. Deletes text excluding border patrolmen and custom inspectors of the special agents of the U.S. Customs Service regarding the provisions of this section. Makes nonsubstantive changes.

SECTION 2. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Amends proposed relating clause.

#### SECTION 1.

Amends Article 2.122(a), Code of Criminal Procedure, regarding granting limited state law enforcement authority to certain agents or officers of the United States government.