

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 881  
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Criminal Justice  
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Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current Texas law authorizes the Texas Department of Public Safety (DPS) to commission retired DPS officers as special rangers. A retired DPS officer or other law enforcement officer qualifies to become a special ranger by being honorably discharged or selected to complete an allotted group of 50 members. They are prohibited from enforcing a law, except one designated to protect life and their own property.

Although the statute states some basic parameters of the special rangers' authority, it leaves many questions about the extent of their authority and how it can be utilized. This gap may be confusing to the public since a special ranger might easily be confused for a law enforcement officer because of the badge and firearm. DPS does not provide information about special rangers or steps for filing a complaint against a special ranger who abuses his or her power.

C.S.S.B. 881 places safeguards to ensure that special rangers do not abuse their power by articulating the limitations on special ranger authority more clearly and by establishing further criteria for receiving a commission. It also requires that special rangers cease to wear badges and instead carry an identification card acknowledging their commission. C.S.S.B. 881 requires DPS to inform the public about the special rangers in literature and on the DPS website, and provide a procedure for filing a complaint against special rangers.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Public Safety Commission in SECTION 1 (Section 411.023, Government Code) and SECTION 2 (Section 411.024, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.023, Government Code, by amending Subsections (a), (b), (e), and (f) and adding Subsections (b-1), (g), and (h), as follows:

(a) Authorizes the Public Safety Commission (commission) to appoint not more than 50 special rangers as honorably retired commissioned officers of the Department of Public Safety of the State of Texas (department) who are employed by the Texas and Southwestern Cattle Raisers Association.

(b) Provides that a special ranger is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except as follows. Authorizes a special ranger to only enforce a law designed to protect life and property, during a period in which a special ranger has specifically been called to special duty by the commission or the governor, and prohibits the special ranger from enforcing a law regulating the use of a state highway by a motor vehicle. Authorizes a special ranger to only enforce a law as provided by Subsection (b-1), during a period in which a special ranger has not been specifically called to duty by the commission or the governor, and prohibits the use of the Texas law enforcement telecommunications system to obtain criminal history information, driver's license information, or any other information available thorough the system. Prohibits a special ranger not connected with a ranger company or uniformed unit of the department from wearing a department uniform.

(b-1) Authorizes a special ranger, during a period in which a special ranger has not been specifically called to duty by the commission or the governor, to only enforce specific laws.

(e) Authorizes the public safety director (director) to revoke a special ranger commission at any time for cause, including a violation of this section. Sets forth the conditions by which a special ranger's commission is terminated.

(f) Requires the commission to authorize a badge for persons appointed as special rangers under this section. Requires the commission, in addition to the badge, to authorize a special identification card for persons appointed as special rangers under this section that includes notice that a special ranger is authorized by the commission to exercise only those powers and perform only those duties prescribed by this section. Requires a person appointed as a special ranger under this section who displays the special ranger's badge to a member of the public when enforcing a law as a special ranger under this section to display the special ranger's special identification card along with the badge.

(g) Requires the department to include on its website and any literature published by the department relating to department officers, information regarding the qualifications, powers, and duties, prescribed by this section for a special ranger. Requires the department to include, on the website, procedures by which a member of the public can file a complaint regarding a special ranger. Provides that the procedures for a public complaint against a department employee prescribed by Section 411.0195 (Public Complaints) apply to a complaint against a special ranger.

(h) Requires a special ranger to annually obtain a handgun proficiency certificate or a weapons proficiency certificate and submit a copy of the certificate to the commission to carry a firearm as a special ranger. Requires the commission to adopt rules for the administration of this subsection.

SECTION 2. Amends Section 411.024, Government Code, by amending Subsections (b), (e), and (f) and adding Subsections (b-1), (g), and (h), as follows:

(b) Provides that a special Texas Ranger is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except as follows. Authorizes a special Texas Ranger to only enforce a law designed to protect life and property, during a period in which a special Texas ranger has specifically been called to special duty by the commission or the governor, and prohibits enforcing a law regulating the use of a state highway by a motor vehicle. Authorizes a special Texas Ranger to only enforce a law as provided by Subsection (b-1), during a period in which a special Texas Ranger has not been specifically called to duty by the commission or the governor, and prohibits the use of the Texas law enforcement telecommunications system to obtain criminal history information, driver's license information, or any other information available through the system. Prohibits a special Texas ranger not connected with a ranger company or uniformed unit of the department from wearing a department uniform.

(b-1) Authorizes a special Texas Ranger, during a period in which a special Texas Ranger has not been specifically called to duty by the commission or the governor, to only enforce specific laws.

(e) Authorizes the public safety director (director) to revoke a special Texas Ranger commission at any time for cause, including a violation of this section. Sets forth the conditions by which a special Texas Ranger's commission is terminated.

(f) Requires the commission to authorize a badge for persons appointed as special Texas Rangers under this section. Requires the commission, in addition to the badge, to authorize a special identification card for persons appointed as special Texas Rangers under this section that includes notice that a special Texas Ranger is authorized by the commission to exercise only those powers and perform only those duties prescribed by

this section. Requires a person appointed as a special Texas Ranger under this section who displays the special Texas Ranger's badge to a member of the public when enforcing a law as a special Texas Ranger under this section to display the special Texas Ranger's special identification card along with the badge.

(g) Requires the department to include on its website and any literature published by the department relating to department officers, information regarding the qualifications, powers, and duties, prescribed by this section for a special Texas Ranger. Requires the department to include, on the website, procedures by which a member of the public can file a complaint regarding a special Texas Ranger. Provides that the procedures for a public complaint against a department employee prescribed by Section 411.0195 (Public Complaints) apply to a complaint against a special Texas Ranger.

(h) Requires a special Texas Ranger to annually obtain a handgun proficiency certificate or a weapons proficiency certificate and submit a copy of the certificate to the commission to carry a firearm as a special Texas Ranger. Requires the commission to adopt rules for the administration of this subsection.

SECTION 3. Amends Section 1701.356(b), Occupations Code, to provide that except as provided by Section 411.023, Government Code, an honorably retired DPS commissioned officer who is a special ranger under Section 411.023, Government Code, or a retired state employee, and who holds a permanent license issued before January 1981 and that was current on January 1, 1995, has specific rights and privileges

SECTION 4. Provides that a commission issued under Section 411.023, Government Code, before the effective date of this Act expires as provided by law on January 1, 2007. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2005.