

BILL ANALYSIS

Senate Research Center
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S.B. 907
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Criminal Justice
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

S.B. 907 confirms authority for a peace officer listed in Subdivision (4), Article 2.12, Code of Criminal Procedure, which includes rangers and officers commissioned by the Public Safety Commission and the Director of Public Safety, to arrest a person who, anywhere in this state, commits an offense within the officer's presence or view, including an offense under Subtitle C, Title 7, Transportation Code.

A peace officer listed in Subdivision (1), which includes sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license, Subdivision (2), which includes constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license, Subdivision (3), which includes marshals or police officers of an incorporated city, town, or village, and those reserve municipal peace officers who hold a permanent peace officer license, or Subdivision (5), which includes investigators of the district attorney's, criminal district attorney's, and county attorney's offices, Article 2.12, Code of Criminal Procedure, who is licensed under Chapter 1701, Occupations Code, and is outside of the officer's jurisdiction, may arrest without a warrant a person who commits an offense within the officer's presence or view, except that an arrest for a violation of Subtitle C, Title 7, Transportation Code, may be made only if the offense is committed in the county in which the peace officer serves or is employed.

S.B. 907 also provides instructions on how to handle seizure of property by an officer making an arrest outside of that officer's jurisdiction, stating that such seized property shall be given into the custody of a law enforcement agency with jurisdiction in the county in which the property was seized as soon as practicable.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 14.03(g), Code of Criminal Procedure, as follows:

(g)(1) Authorizes a peace officer listed in Subdivision (4), Article 2.12, Code of Criminal Procedure, to arrest a person who anywhere in this state commits an offense within the officer's presence or view, including an offense under Subtitle C (Rules of the Road), Title 7, Transportation Code.

(2) Authorizes a peace officer listed in Subdivision (1), (2), (3), or (5), but not Subdivision (4), Article 2.12, Code of Criminal Procedure, who is licensed under Chapter 1701, Occupations Code, rather than Chapter 415, Government Code, and is outside of the officer's jurisdiction to arrest without a warrant a person who anywhere in this state commits an offense within the officer's presence or view, except that an officer described by this subdivision who is outside the officer's jurisdiction may arrest a person for a violation of Subtitle C, Title 7, Transportation Code, only if the offense is committed in the county in which the peace officer serves as an elected official or in which the law enforcement agency employing the peace officer is located, rather than only if the officer is listed in Subdivision (4), Article 2.12, Code of Criminal Procedure. Provides that, for the purposes of this subdivision, a municipal law enforcement agency that serves a

municipality located in more than one county is located in each county in which the municipality is located.

SECTION 2. Amends Article 59.03, Code of Criminal Procedure, by amending Subsection (c) and adding Subsection (e), as follows:

(c) Provides that, except as provided by Subsection (e), a peace officer who seizes property under this chapter has custody of the property, subject only to replevy under Article 59.02 of this code or an order of the court.

(e) Provides that a peace officer who seizes property under this chapter while making an arrest outside of the officer's jurisdiction has temporary custody of the property. Requires a peace officer who has temporary custody of the property under this subsection, as soon as practicable after seizing the property, to notify a law enforcement agency having jurisdiction in the county in which the property was seized. Requires a law enforcement agency properly notified under this section to take custody of the property seized in accordance with this chapter. Provides that this subsection does not apply to a peace officer who is acting as part of an active multi-jurisdictional task force. Sets forth guidelines by which property seized by said peace officers is governed.

SECTION 3. Makes application of the change in law made by Article 59.03, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2005.