

BILL ANALYSIS

Senate Research Center

H.C.R. 96
By: Driver (Williams)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, delineates who are peace officers in the State of Texas. Since its enactment in 1967, the article has been amended 51 times and now includes a list of 34 classes of individuals who have been designated peace officers under the law. Law enforcement authority for these peace officers is derived from two sources: the Texas Constitution grants permanent authority to sheriffs, constables, marshals, and police officers, among others. Alternatively, peace officers are commissioned by a governmental entity or state agency to carry out a specific law enforcement purpose under the limited purview of the commissioning entity.

As a consequence of the manner in which these commissioned peace officers are authorized under Article 2.12, there are no statewide standards to provide for the oversight of a commissioning entity, liability for a peace officer's action, or management of geographic or functional overlaps in jurisdiction. To prevent any compromises to law enforcement efforts that may arise from this lack of coordinated effort, it would behoove the state to study the development of our peace officer ranks and future additions to Article 2.12, Code of Criminal Procedure.

RESOLVED

That the 80th Legislature of the State of Texas observe a moratorium on the statutory creation of new police agencies, except for any new law enforcement authority the legislature deems necessary for the Texas Youth Commission, the Texas Juvenile Probation Commission, and the Texas Health and Human Services Commission Office of Inspector General, until the issue can be studied and fully assessed by the 81st Texas Legislature.