

BILL ANALYSIS

Senate Research Center
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S.B. 1212
By: West
Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Office of the Inspector General (OIG) is the law enforcement arm of the Department of Veterans Affairs (VA). Special agents of the VA/OIG previously had law enforcement authority through the U.S. Marshals Service via special deputation. This authority changed in 2003, when Section 812 of the Homeland Security Act of 2002 (Public Law 107-296) granted separate law enforcement authority.

However, under Texas law, VA/OIG special agents cannot perform an arrest on a felony warrant. Such actions require the presence of a local law enforcement official. VA/OIG special agents are not Texas peace officers under Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure. However Article 2.122 (Special Investigators), Code of Criminal Procedure, authorizes various special agents of federal agencies under Texas law.

The VA/OIG is empowered to conduct audits, investigate fraud, perform inspections and investigate any crime that takes place on VA property or related to VA programs and patients.

As proposed, S.B. 1212 amends current law relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Department of Veterans Affairs.

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 2.122(a), Code of Criminal Procedure, to prohibit certain named criminal investigators of the United States from being deemed peace officers, but require that they have powers of arrest, search and seizure as to felony offenses only under the laws of the State of Texas, including Special Agents of the United States Immigration and Customs Enforcement Agency; Special Agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Special Agents of the United States Drug Enforcement Administration, rather than the Federal Drug Enforcement Agency; Inspectors of the United States Postal Inspection Service; Civilian Special Agents of the United States Naval Criminal Investigative Service; and Special Agents of the Office of Inspector General of the United States Department of Veterans Affairs. Deletes existing text relating to Special Agents of the United States Immigration and Naturalization Service. Makes nonsubstantive changes.

SECTION 2. Effective date: upon passage or September 1, 2009.