

SUBJECT: Granting certain federal agents state law enforcement powers for felonies

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 8 ayes — Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt
1 nay — Nevárez

WITNESSES: For — Mary Lewis, Williamson County Sheriff's Office; (*Registered, but did not testify*: Noel Johnson, TMPA)

Against — (*Registered, but did not testify*: Joseph Longhurst)

BACKGROUND: Code of Criminal Procedure art. 2.122(a) grants certain federal criminal investigators the powers of arrest, search, and seizure under state law for felony offenses but does not deem them peace officers. These investigators include:

- special agents of the Federal Bureau of Investigation;
- special agents of the Secret Service;
- special agents of U.S. Immigration and Customs Enforcement; and
- others as specified in statute.

Some have noted that special agents within the U.S. Department of Agriculture's Office of Inspector General are limited in their authority to conduct joint investigations with state and local law enforcement agencies concerning certain violations of state law.

DIGEST: CSHB 3863 would add special agents within the U.S. Department of Agriculture's Office of Inspector General to the list of criminal investigators who would not be deemed peace officers but would have the powers of arrest, search, and seizure under state law for felony offenses.

The bill would take immediate effect if finally passed by a two-thirds

record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.