

**SUBJECT:** Texas Youth Commission apprehension specialists as peace officers

**COMMITTEE:** Public Safety — committee substitute recommended

**VOTE:** 7 ayes — Bailey, Allen, Carter, Driver, Luna, Madden, McCoulskey  
0 nays  
2 absent — Oakley, Edwards

**WITNESSES:** None

**BACKGROUND:** Peace officers, as defined by Code of Criminal Procedure art. 2.12, are given powers such as the authority to conduct searches, make arrests and prevent crimes or suppress a crime without a warrant and carry a deadly weapon. Peace officers killed in the line of duty are also eligible for state death benefits.

Peace officers in the state must meet certain requirements for certification established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). TCLEOSE requires all peace officers, among other requirements, to complete 560 hours of police training coursework, pass a written state licensing test and a physical exam, submit to drug and psychological tests and have a clean criminal history. Peace officers must qualify annually for firearms training, as well as undergo 40 hours of in-service training every two years.

**DIGEST:** CSHB 1275 would add to the list of peace officers apprehension specialists commissioned by the Texas Youth Commission (TYC) and would amend the Human Resources Code to allow TYC to employ these specialists. These peace officers would have to be certified by TCLEOSE. The bill would take immediate effect if approved by two-thirds of the membership of each house.

**SUPPORTERS SAY:** CSHB 1275 would give TYC apprehension specialists peace officer status so that they could carry a weapon when taking into custody juveniles who escape a TYC facility, leave a half-way house or fail to report to their parole officer. TYC employees are now authorized to take into custody a

child who has escaped or broken the conditions of release under Human Resources Code sec. 61.093, but the TYC employee cannot now carry a weapon. The increasing violence of the juvenile offender population makes arrests by the unarmed a dangerous proposition.

Apprehension specialists would be required to undergo considerable training to be certified by TCLEOSE and would be subject to continuing education requirements, so the public could be assured of their training and knowledge about deadly weapons and other law enforcement issues. The certification responsibilities of TCLEOSE would only increase a negligible amount. TCLEOSE has licensed approximately 70,000 officers, and TYC probably would only commission only two and five people to be apprehension specialists in the near future.

Although police do assist TYC employees in apprehending and arresting juveniles, TYC needs to have apprehension specialist peace officers on hand who are familiar with the juveniles and whose specific job is to apprehend wayward juveniles. Every year approximately 2,000 youths are released on parole and 750 are placed in community programs. Police and TYC apprehended approximately 300 juveniles in 1994 that escaped or broke parole. CSHB 1275 would give TYC the necessary authority to keep these juveniles on the right track and protect the public and TYC workers from violent offenders.

**OPPONENTS  
SAY:**

The number of groups authorized to act as peace officers should not be expanded. Currently, 28 categories of people are authorized as peace officers. The ever-increasing number and variation of people authorized as peace officers have made it difficult for the public to distinguish who really is a law enforcement authority. Extending full peace officer authority to Texas Youth Commission personnel would only add to the public confusion. It would be more appropriate to continue to have local law enforcement officers assist with apprehending escaped violent juveniles.

**NOTES:**

The committee substitute would require that an apprehension specialist be certified by TCLEOSE.