

- SUBJECT:** Commissioning hospital peace officers in certain cities
- COMMITTEE:** Public Safety — favorable, with amendment
- VOTE:** 8 ayes — Oakley, Bailey, Allen, Carter, Driver, Edwards, Luna, McCoulskey
- 0 nays
- 1 absent — Madden
- WITNESSES:** For — Roger Dickey, Hendrik Medical Center
- Against — 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 Officers 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:** HB 552, as amended, would allow hospitals in cities with 45,000 or more population to employ and commission peace officers. The hospitals would pay for the peace officers' licenses.
- Hospital peace officers would have jurisdiction over a hospital's property and contiguous public streets and alleys. The peace officer would have all the powers, privileges and immunities of a peace officer and would be able to make arrests within his or her jurisdiction.

Outside the jurisdiction hospital peace officers would retain powers, privileges and immunities and would be able to make arrests if summoned by a law enforcement agency to provide assistance or if assisting a law enforcement agency.

The bill would take immediate effect if approved by two-thirds of the membership of each house.

**SUPPORTERS  
SAY:**

Allowing hospitals to employ and commission peace officers would curb the dangerous, often violent, incidents erupting at many hospitals, which continue to increase in frequency and intensity. Even in smaller cities many dangerous emergency situations arise in hospitals. Local police may be extended to the limit, and private security guards do not provide satisfactory security for hospitals because they can only make citizens arrests. In addition, security officers cannot stop and frisk, conduct searches, or make arrests for misdemeanors or felonies not occurring in their presence. Hospitals need much better protection than private security guards.

Hiring local police officers for security is not a viable option. Hospitals would have to pay local police time-and-a-half, which would increase the cost of health care. Furthermore, it would be difficult for a hospital to manage officers that are not completely familiar with the unique setting of a hospital.

Many hospitals already have the authority to hire and commission peace officers, including hospitals that qualify as institutions of higher education, hospitals in cities with populations of more than 1.2-million and hospitals in the Bexar, Tarrant and Dallas County Hospital Districts. HB 552 would properly extend the authority to hire and commission peace officers to hospitals in smaller cities.

**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 certain hospital personnel would only add to the public's confusion. It is

more appropriate to use local law enforcement officers to provide hospital security. City police officers generally can handle severe problems that arise in a hospital, or off-duty officers can be hired as security guards. Creating new groups of enforcement personnel merely creates jurisdictional problems and erodes cooperation.

**NOTES:**

The committee amendment would allow hospitals in cities with populations of 45,000 or more to employ and commission peace officers. The original bill only applied to cities with populations of 50,000 or more.

HB 552 as introduced was virtually identical to HB 373 by B. Hunter, which was approved by the 73rd Legislature in 1993, but was vetoed by Gov. Ann Richards. The governor's veto message said HB 372 did not specify precisely what entity would be responsible for commissioning hospital peace officers and that public safety would be better served if hospitals coordinated their efforts with local law enforcement personnel.

Earlier this session the Legislature approved SB 238 by Sibley, which allows private, nonprofit medical corporations in cities with populations of 1.2 million or more to employ and commission peace officers for institutions in a medical complex. SB 238 was signed by the governor and became effective on March 31, 1995.