

- SUBJECT:** Authorizing TDCJ employees to act as peace officers
- COMMITTEE:** Corrections — favorable, with amendment
- VOTE:** 7 ayes — Haggerty, Staples, Allen, Culberson, Ellis, Lengefeld, Longoria
0 nays
2 absent — Farrar, Gray
- WITNESSES:** For — None
Against — None
On — Wayne Scott, Texas Department of Criminal Justice
- BACKGROUND:** Current law allows the directors of Texas Department of Criminal Justice’s (TDCJ) institutional (prison) and state jail divisions to authorize division employees to transport inmates and to apprehend escapees. Employees acting with express authority given by one of the directors have the same powers and duties as peace officers, except they cannot enforce misdemeanor laws, including traffic laws, and can exercise their powers throughout the state only during duty hours.
- DIGEST:** HB 1112 would shift to TDCJ’s executive director the current authority of the directors of the institutional and state jail divisions to designate division employees to transport offenders and to apprehend escapees. The bill would allow the executive director to designate any department employee for transportation or apprehension efforts. As amended, the bill would eliminate the current restriction allowing employees acting under specific authorization to exercise the powers and duties of peace officers *only* during duty hours.
- HB 1112 also would add TDCJ employees licensed as peace officers by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) and appointed by TDCJ’s executive director to the list of peace officers in the Code of Criminal Procedure.
- The bill would take immediate effect if finally passed by a two-thirds record

vote of the membership of each house.

SUPPORTERS
SAY:

HB 1112 would give TDCJ more flexibility in using personnel to help apprehend escapees and would allow decisions about appointing staff for these jobs to rest with the executive director, who rightfully should shoulder the responsibility for redesignating staff in an emergency. The authority to appoint persons to help transport offenders would not be used to handle everyday transportation needs but would give the agency flexibility to do things such as pick up offenders from out of state.

Allowing staff from the entire agency, not just the institutional and state jail divisions, to be appointed specifically to apprehend escapees would allow the best possible use of all employees in an emergency. Agency policies allow only those employees who have been approved as qualified to carry a firearm to receive the special designation that carries with it limited peace-officer powers. Certain employees could be helpful in a search because of their familiarity with offenders and the area's surrounding units. For example, transportation officers who are moving inmates from one place to another or agricultural employees who may be out in the field with corrections officers when an offender escapes could be tapped to join in a search.

Current law allows the directors of the institutional and state jail divisions to designate any division employees to help in a search. They never have abused this authority by including office workers or other inappropriate personnel in a search. This policy would continue under HB 1112.

As under current law, any designated employee would have limited peace-officer powers and duties only with express authority of the executive director. This designation would give searchers authority, for example, to enter property and restrain offenders. HB 1112 also would allow appointed persons to have this authority outside of their duty hours so that they would not be constrained unnecessarily when aiding in a search. These TDCJ employees' powers as peace officers are limited. For example, current law prohibits them from enforcing laws dealing with misdemeanors, including traffic laws.

Adding TDCJ-appointed peace officers to the Code of Criminal Procedure's list of peace officers would recognize that these TDCJ's officers have equal status with other peace officers. Currently, the Government Code authorizes

TDCJ's executive director to appoint TCLEOSE-licensed peace officers, who work in the agency's internal affairs department. HB 1112 would not change TDCJ peace officers' status but would add them to the general list of peace officers.

TDCJ internal-affairs officers often work with local law enforcement officers who may not be aware of their peace-officer status. This can unnecessarily slow down attempts to investigate prison crimes and prison gangs. HB 1112 would allow TDCJ's internal affairs officers to point to the Code of Criminal Procedure to verify their peace-officer status. The bill would apply only to TDCJ's internal affairs officers, who are licensed by TCLEOSE, not to correctional officers.

OPPONENTS
SAY:

The authority granted to TDCJ's executive director in HB 1112 – and in current law – to appoint *any* department employee to join in a search or to transport offenders could be too broad. It could be inappropriate for office workers or other untrained employees to be called upon to help with a search or transportation.

NOTES:

The committee amendment would remove the restriction that TDCJ employees acting under specific authorization could exercise peace officer duties and powers *only* during duty hours.