

- SUBJECT:** Expanding the arrest authority of U.S. Forest Service agents
- COMMITTEE:** Public Safety — favorable, without amendment
- VOTE:** 7 ayes — B. Turner, Keel, Berman, Carter, Driver, P. King, Najera  
0 nays  
2 absent — Gutierrez, Hupp
- WITNESSES:** For — Ron Hufford, Texas Forestry Association; Chris Kirk, Sheriff's Association of Texas; David Norsworthy, U.S. Forest Service; Brent Phillips  
Against — None
- BACKGROUND:** The Code of Criminal Procedure, art. 2.122 gives certain federal law enforcement officers or special agents, including the six special agents of the U.S. Forest Service (USFS) in Texas, power of arrest, search, and seizure for a suspected felony only. The law gives customs inspectors and border-patrol or immigration officers limited power to detain a suspect pending transfer to a peace officer for certain offenses involving intoxication. Special police officers of Federal Protective Services have the power of arrest, search, and seizure for any offense. These federal agents are not defined as peace officers.
- DIGEST:** HB 525 would authorize USFS special agents or law enforcement officers to arrest or conduct searches or seizures for any offense. USFS officers would have this authority only for crimes committed in a National Forest or National Grassland. The bill also would remove these officers from the list of federal agents with arrest, search, and seizure authority for felonies committed anywhere in the state.  
  
HB 525 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.
- SUPPORTERS SAY:** Allowing USFS law enforcement officers to arrest for any offense committed within the National Forest System would prevent these officers from having to transport offenders to federal facilities hours away. It would reduce the burden on local law enforcement and keep fines and court fees in the local

economy.

If an individual commits a misdemeanor offense on National Forest land, USFS officers have two choices. One is to summon local deputies to handle the arrest. In rural areas this is not always feasible, depending on the local law enforcement agency's resources. The other option is to arrest the individual for violating a federal law. In this case, the offender must be transported to a federal jail and brought before a federal magistrate, often hours away. All fines and court costs are paid to the federal government, resulting in a loss of revenue for the county where the offense was committed.

Amending the law to allow USFS agents to arrest for any offense committed within the National Forest System would enable these cases to stay in local courts. Also, USFS agents would have less of a disincentive to arrest for misdemeanor offenses such as driving while intoxicated or disturbing the peace.

OPPONENTS  
SAY:

No apparent opposition.