

SUBJECT: Arrest powers of Dallas, Tarrant, and Bexar county hospital district police

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 6 ayes — Driver, Garza, Hupp, Davis, Hegar, Keel

0 nays

1 present not voting — Burnam

SENATE VOTE: On final passage, April 10 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing

BACKGROUND: Health and Safety Code, sec. 281.057 authorizes the Dallas, Tarrant, and Bexar county hospital districts to employ commissioned peace officers. A hospital district peace officer may make an arrest if:

- the arrest is necessary to prevent or abate a criminal offense or a threatened criminal offense on any land, easement, right-of-way, or other property owned and controlled by the district; or
- the offense involves injury or harm to any property owned or controlled by the district.

Code of Criminal Procedure (CCP), ch. 14 allows a peace officer to pursue and arrest an accused without a warrant when a credible person shows the officer by satisfactory proof that a felony has been committed and that the offender is about to escape, leaving no time to procure a warrant. A peace officer also may make an arrest without a warrant when:

- an offense is committed within the officer's presence or view;
- the officer finds a person in a suspicious place, under circumstances that reasonably show that the person has been guilty of a felony, breach of the peace, disorderly conduct, or public intoxication;
- the officer has probable cause to believe that a person has committed an assault resulting in bodily injury, and the officer has probable cause to believe that there is danger of further bodily injury to the victim;

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- the officer has probable cause to believe that a person has violated a protective order; or
- the officer has probable cause to believe that a person has committed an assault resulting in bodily injury to a member of the person's family or household.

DIGEST:

SB 801 would amend Health and Safety Code, sec. 281.057 to define the jurisdiction of a Dallas, Tarrant, or Bexar county hospital district peace officer as the hospital district property and any street abutting the property, as well as any right-of-way or easement over, through, or in the property. It also would authorize a county hospital district peace officer to make a warrantless arrest as allowed by CCP, ch. 14, within the defined jurisdiction or if the offense involved injury or harm to the district's property.

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, 2003.

**SUPPORTERS
SAY:**

SB 801 would clarify the jurisdiction of Dallas, Tarrant, and Bexar county hospital district peace officers. These officers should have arrest authority on district property and the immediate surrounding area. State law already allows peace officers to make warrantless arrests when crimes occur in their presence or view, and the bill would give hospital district officers the same authority in their jurisdictions. The change is needed to protect the safety of staff, patients, and other visitors at the hospitals.

All law enforcement agencies must have the authority to respond to possible terrorists activities in the wake of September 11, 2001. Hospital districts should have authority to prepare security, attack and disaster preparation plans for the public streets abutting their facilities. Their departments could respond quickly to situations when the hospital itself might be at risk or when access to the hospital would be denied in case of an emergency.

**OPPONENTS
SAY:**

The Legislature should be cautious about extending the authority of a law enforcement agency that serves a special district beyond the entity's

boundaries. City police should be able to provide the additional protection needed outside a hospital district.