

## **BILL ANALYSIS**

Senate Research Center

H.B. 3018  
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Health & Human Services  
5-16-97  
Engrossed

### **DIGEST**

Currently, special agents within the Department of Human Services (DHS) are confronted with situations in which arrest powers are required. Because these special agents lack arrest powers, the agents must inform law enforcement officers and await the officers' availability to arrest. As commissioned peace officers, special agents could apprehend and identify a suspect committing a felony and seize evidence that is incidental to that arrest. This bill would allow the commissioner of DHS to commission special agents as commissioned peace officers.

### **PURPOSE**

As proposed, H.B. 3018 authorizes the commissioner of the Texas Department of Human Services to commission special agents as commissioned peace officers.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 21.005, Human Resources Code, by adding Subsection (d), to authorize the commissioner of the Department of Human Services (DHS) to commission as peace officers the number of special agents necessary to conduct fraud investigation and control. Authorizes a special agent to be commissioned as a peace officer under this section only if the agent is a full-time employee of DHS; and the agent's duties are duties that are required to be performed by or with the assistance of a commissioned peace officer.

SECTION 2. Amends Article 2.12, Code of Criminal Procedure, to delete text providing that officers commissioned under the Texas High Speed Rail Act (Article 6674v.2, V.T.C.S.), among others, are peace officers. Provides that a special agent commissioned by the commissioner under Section 21.005, Human Resources Code, among others, are peace officers. Makes conforming and standard recodification changes.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.