

BILL ANALYSIS

Senate Research Center

H.B. 870
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Engrossed

DIGEST

Currently, state law does not allow federal officers, such as customs agents and border patrol officers, to detain people suspected of driving while intoxicated. This falls under the jurisdiction of state and local public safety officers. H.B. 870 would permit certain federal peace officers, such as customs inspectors and/or border patrol officers, to enforce state laws relating to driving while intoxicated.

PURPOSE

As proposed, H.B. 870 permits certain federal peace officers, such as customs inspectors and border patrol officers, to enforce state laws relating to driving while intoxicated.

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 Article 2.122, Code of Criminal Procedure, by adding Subsection (c), to prohibit a customs inspector of the United States Customs Service or a border patrolman or immigration officer of the United States Department of Justice from being deemed to be a peace officer under the laws of this state but has the authority to detain a person and to transfer the custody of that person to a peace officer of this state if the inspector, patrolman, or agent has probable cause to believe that the person has committed an offense under Section 49.02, 49.04, 49.07, or 49.08, Penal Code. Provides that, subject to the foregoing condition, a customs inspector, border patrolman, or immigration officer has the authority to detain a person younger than 17 years of age pending transfer, without unnecessary delay, to a peace officer authorized to take a child into custody as provided by Section 52.01, Family Code.

SECTION 2. Emergency clause.
Effective date: upon passage.