

BILL ANALYSIS

Senate Research Center

C.S.H.B. 870
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International Relations, Trade & Technology
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Committee Report (Substituted)

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. C.S.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, C.S.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 provide that certain officials are not peace officers under the laws of this state but, on the premises of a port facility designated by the commissioner of the United States Immigration and Naturalization Service as a port of entry for arrival in the United States by land transportation from the United Mexican States into the State of Texas, have the authority to detain a person pending transfer without unnecessary delay to the peace officer if the official has probable cause to believe that the person has engaged in conduct violating Section 49.02, 49.04, 49.07, or 49.08, Penal Code, regardless of whether the violation may be disposed of in certain judicial proceedings.

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

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Article 2.122, Code of Criminal Procedure to set forth provisions regarding the authority of a customs inspector who is not a peace officer acting on the premises of a port facility. Authorizes a customs inspector to detain a person for probable cause, regardless of whether the violation may be disposed of in a criminal proceeding or a juvenile justice proceeding.