

BILL ANALYSIS

Senate Research Center

S.B. 87
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DIGEST

Currently, many Texas counties which share a border with Mexico experience a significant number of arrests for underage drinking violations, as well as a substantial number of underage alcohol-related traffic fatalities. For example, in 1993 and 1994, Hidalgo County ranked number one among all counties in Texas in the number of juvenile arrests for drunkenness. Young people often cross the border to Mexico to drink alcohol where the drinking age is 18. Many of these young people re-enter the United States at the border and are detected for driving while intoxicated by border patrol agents, but are usually not detained by the agents, who lack the power of arrest under state law. The current Texas Code of Criminal Procedure allows certain federal agents of the FBI, Secret Service, and Drug Enforcement Agency to have powers of arrest, search, and seizure as to felony offenses under Texas law, but are not deemed Texas peace officers. S.B. 87 extends the authority of arrest, search, and seizure to federal border patrol agents for the limited purpose of enforcing driving while intoxicated offenses only.

PURPOSE

As proposed, S.B. 87 outlines provisions relating to the authority of certain federal peace officers to enforce state law 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 a customs inspector or border patrolman of the United States Customs Service is not a peace officer under the laws of this state but has the powers of arrest, search, and seizure as to an offense under Section 49.04, Penal Code, or under Section 49.07 or 49.08, Penal Code, committed while the actor was operating a motor vehicle.

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