

BILL ANALYSIS

Senate Research Center
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S.B. 720
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Border Affairs - Special
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As Filed

DIGEST

Currently, under Texas law, federal criminal investigators, including special agents of the United States Immigration and Naturalization Service (INS), have the authority to enforce state felony offenses. However, Texas law does not include border patrol agents among the authorized federal criminal investigators because border patrol agents are separate from INS special agents. This bill grants limited state law enforcement authority to border patrol agents of INS.

PURPOSE

As proposed, S.B. 720 grants limited state law enforcement authority to border patrol agents of the United States Immigration and Naturalization Service.

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 amending Subsection (a) and adding Subsection (d), as follows:

(a) Establishes that Border Patrol Agents of the United States Immigration and Naturalization Service are not peace officers, but requires the agents to have the power of arrest, search and seizure as to felony offenses only under the laws of the State of Texas.

(d) Authorizes officers listed in Subsection (a) to enforce misdemeanor violations of state law if specifically authorized to do so by another provision of this article, notwithstanding the provision in Subsection (a).

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