

## **BILL ANALYSIS**

Senate Research Center  
79R6114 UM-F

H.B. 1695  
By: Hegar (Seliger)  
Criminal Justice  
5/2/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The Texas and Southwestern Cattle Raisers Association (TSCRA) was founded in 1877 to combat the rise of cattle theft. Since that time, TSCRA has employed field inspectors whose primary responsibility is to investigate livestock theft and other ranch-related property losses. In 1893, the field inspectors became special rangers: commissioned peace officers licensed by the Texas Department of Public Safety (DPS).

Special rangers are governed by Section 411.023 (Special Rangers), Government Code, which states that they "may not enforce a law except one designed to protect life and property." This statute has subsequently been refined by DPS rule to prohibit special rangers from enforcing any law except when necessary to protect the personal property of a special ranger.

H.B. 1695 reinstates the authority exercised by the TSCRA field inspectors since 1893 to conduct investigations into the theft of cattle and other ranch-related property or livestock as requested by TSCRA members, other law enforcement agencies, or the public.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the director of the Department of Public Safety and to the executive director of the Commission on Law Enforcement Officer Standards and Education in SECTION 1 (Article 2.125, Code of Criminal Procedure) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.125, as follows:

Art. 2.125. SPECIAL RANGERS OF TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION. (a) Authorizes the director of the Department of Public Safety (DPS) to appoint a maximum of 50 special rangers employed by the Texas and Southwestern Cattle Raisers Association (TSCRA) to aid law enforcement agencies in the investigation of the theft of livestock or related property.

(b) Authorizes a special ranger to make arrests and exercise all authority given peace officers under this code, except as provided by Subsection (c) of this article, when necessary to prevent or abate the commission of an offense involving livestock or related property.

(c) Prohibits a special ranger from issuing a traffic citation for a violation of Chapter 521 (Driver's Licenses and Certificates), Transportation Code, or Subtitle C (Rules of the Road), Title 7, Transportation Code.

(d) Provides that a special ranger is not entitled to state benefits normally provided by the state to a peace officer.

(e) Sets forth requirements for serving as a special ranger.

(f) Authorizes the director of DPS, for good cause, to revoke a certificate of authority issued under this article and authorizes the executive director of the Commission on Law Enforcement Officer Standards and Education (commission)

to revoke a license issued under this article. Provides that a termination of employment with TSCRA, or the revocation of a special ranger license, shall constitute an automatic revocation of a certificate of authority to act as a special ranger.

(g) Provides that TSCRA is liable for any act or omission by a person serving as a special ranger for TSCRA that is within the person's scope of employment. Provides that neither the state or any political subdivision or agency of the state shall be liable for any act or omission by a person appointed as a special ranger. Requires all expenses incurred by the granting or revocation of a certificate of authority to act as a special ranger to be paid by TSCRA.

(h) Requires the director of DPS and the executive director of the commission to have the authority to promulgate rules necessary for the effective administration and performance of the duties and responsibilities delegated to them by this article.

SECTION 2. Effective date: September 1, 2005.