

BILL ANALYSIS

Senate Research Center
81R1764 JAM-D

S.B. 650
By: Van de Putte
Criminal Justice
4/10/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, the illegal sale and distribution of prescription drugs is becoming an increasing threat, nearly doubling since 2002. The use of "street drugs" among teenagers is decreasing but the abuse of prescription drugs is growing. According to a study done by the Partnership for a Drug-Free America, teenagers are more likely to abuse prescription medications than almost any other drug. This is creating a huge demand and illegal market for the types of medications which can only be acquired from a pharmacy.

Currently, the Texas State Board of Pharmacy (TSBP) has the authority to commission peace officers, but they are unable to carry firearms or make arrests. Often, TSBP peace officers work in conjunction with other law enforcement agencies to capture criminals who divert prescription drugs from pharmacies and are involved in national drug rings. It is the job of these officers to investigate different pharmacies, pharmacists, and pharmacy technicians. In the course of their duties they often have to serve warrants, conduct searches, and carry out duties which can put them in harm's way. In such situations it would be highly beneficial for a TSBP peace officer to be able to carry a weapon.

When funds are recovered from these operations, TSBP is unable to access these funds because its peace officers are not considered true law enforcement agents. There are hundreds of thousands of dollars that TSBP does not have access to, yet its employees are still responsible for carrying out the duties of a peace officer. Additionally, the TSBP commissioned peace officers are required to complete the same training and follow the same restriction as law enforcement officers, but without the ability to carry firearms or make arrests.

As proposed, S.B. 650 amends current law to allow TSBP employees commissioned as peace officers to make arrests and carry firearms.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 554.010(b), Occupations Code, to provide that an employee commissioned as a peace officer under this subtitle has the powers, privileges, and immunities of a peace officer while carrying out duties as a peace officer under this subtitle. Deletes existing text prohibiting an employee commissioned as a peace officer under this subtitle from carrying a firearm or making an arrest.

SECTION 2. Effective date: upon passage or September 1, 2009.