

## **BILL ANALYSIS**

Senate Research Center

H.B. 3863  
By: Wilson (Hughes)  
State Affairs  
5/16/2019  
Engrossed

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

There are concerns that special agents within the Office of Inspector General of the United States Department of Agriculture are limited in their authority when conducting joint investigations with state and local agencies concerning violations of state law and are not able to fully participate in those investigations.

H. B. 3863 seeks to address this issue by granting limited state law enforcement authority to special agents of that office.

H. B. 3863 amends the Code of Criminal Procedure to include special agents of the Office of Inspector General of the U.S. Department of Agriculture among the criminal investigators deemed not to be peace officers but who have the powers of arrest, search, and seizure under state laws as to felony offenses only.

H. B. 3863 was brought to Representative Terry Wilson by constituents in his district who have enlisted retired federal officers to help with cold cases as well as other cases, and who have experienced much success in solving cases with the help of these agents.

H.B. 3863 amends current law relating to granting limited state law enforcement authority to certain federal officers or agents.

### **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 Articles 2.122(a) and (b), Code of Criminal Procedure, as follows:

(a) Provides that the following named criminal investigators of the United States shall not be deemed peace officers, but shall have the powers of arrest, search, and seizure under the laws of this state as to felony offenses only:

(1)–(13) makes no changes to these subdivisions;

(14) Special Agents of the Office of Inspector General of the United States Department of Agriculture; and

(15) redesignates existing Subdivision (14) as Subdivision (15).

(b) Provides that an officer or agent designated by the Secretary of Homeland Security under 40 U.S.C. Section 1315 for duty in connection with the protection of property owned or occupied by the federal government and persons on the property is not a peace officer but has the powers of arrest and search and seizure as to any offense under the laws of this state, rather than providing that a person designated as a special policeman by the Federal Protective Services division of the General Services Administration under 40

U.S.C. Section 318 or 318d is not a peace officer but has the powers of arrest and search and seizure as to any offense under the laws of this state

SECTION 2. Effective date: upon passage or September 1, 2019.