

CHAPTER 531

H.B. No. 740

An Act relating to the appointment and certification of railroad peace officers, their duties and powers, the scope of their employment, and liability for their acts and omissions.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 2, Code of Criminal Procedure, 1965, is amended by adding Article 2.121 to read as follows:

Art. 2.121. RAILROAD PEACE OFFICERS. (a) The director of the Department of Public Safety may appoint up to 250 railroad peace officers who are employed by a railroad company to aid law enforcement agencies in the protection of railroad property and the protection of the persons and property of railroad passengers and employees.

(b) Except as provided by Subsection (c) of this article, a railroad peace officer may make arrests and exercise all authority given peace officers under this code when necessary to prevent or abate the commission of an offense involving injury to passengers and employees of the railroad or damage to railroad property or to protect railroad property or property in the custody or control of the railroad.

(c) A railroad peace officer may not issue a traffic citation for a violation of Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), or the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

(d) *A railroad peace officer is not entitled to state benefits normally provided by the state to a peace officer.*

(e) *A person may not serve as a railroad peace officer for a railroad company unless:*

(1) *the Texas Railroad Association submits the person's application for appointment and certification as a railroad peace officer to the director of the Department of Public Safety and to the executive director of the Commission on Law Enforcement Officer Standards and Education;*

(2) *the director of the department issues the person a certificate of authority to act as a railroad peace officer; and*

(3) *the executive director of the commission determines that the person meets minimum standards required of peace officers by the commission relating to competence, reliability, education, training, morality, and physical and mental health and issues the person a license as a railroad peace officer; and*

(4) *the person has met all standards for certification as a peace officer by the Commission on Law Enforcement Officer Standards and Education.*

(f) *For good cause, the director of the department may revoke a certificate of authority issued under this article and the executive director of the commission may revoke a license issued under this article. Termination of employment with a railroad company, or the revocation of a railroad peace officer license, shall constitute an automatic revocation of a certificate of authority to act as a railroad peace officer.*

(g) *A railroad company is liable for any act or omission by a person serving as a railroad peace officer for the company that is within the person's scope of employment. Neither the state nor any political subdivision or agency of the state shall be liable for any act or omission by a person appointed as a railroad peace officer. All expenses incurred by the granting or revocation of a certificate of authority to act as a railroad peace officer shall be paid by the employing railroad company.*

(h) *A railroad peace officer who is a member of a railroad craft may not perform the duties of a member of any other railroad craft during a strike or labor dispute.*

(i) *The director of the department and the executive director of the commission shall 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. *The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.*

Passed by the House on May 7, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 740 on May 26, 1985, by the following vote: Yeas 140, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 24, 1985, by the following vote: Yeas 26, Nays 4.

Approved: June 12, 1985

Effective: Immediately