

CHAPTER 350

H.B. No. 791

AN ACT

relating to the authority of certain rapid transit authorities and regional transportation authorities to commission peace officers and to the authority of certain rapid transit authorities to adopt and enforce regulations.

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

SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

- (1) sheriffs and their deputies;
- (2) constables and deputy constables;
- (3) marshals or police officers of an incorporated city, town, or village;
- (4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
- (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- (6) law enforcement agents of the Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit of a city, county or the state;
- (8) any private person specially appointed to execute criminal process;
- (9) officers commissioned by the governing board of any state institution of higher education, public junior college or the Texas State Technical Institute;
- (10) officers commissioned by the State Purchasing and General Services Commission;
- (11) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state that operates an airport served by a Civil Aeronautics Board certificated air carrier;
- (13) municipal park and recreational patrolmen and security officers;
- (14) security officers commissioned as peace officers by the State Treasurer;
- (15) officers commissioned by a water control and improvement district under Section 51.132, Water Code;
- (16) officers commissioned by a board of trustees under Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes);
- (17) investigators commissioned by the Texas State Board of Medical Examiners;
- (18) officers commissioned by the board of managers of the Dallas County Hospital District under Section 16, Chapter 266, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4494n, Vernon's Texas Civil Statutes);
- (19) county park rangers commissioned under Article 6869d-1, Revised Statutes; ~~and~~
- (20) stewards and judges employed by the Texas Racing Commission; *and*
- (21) *officers commissioned by the governing body of a metropolitan rapid transit authority under Section 13, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), or by a regional transportation authority under Section 10, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes).*

SECTION 2. Section 13, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13. RULES AND REGULATIONS. (a) The board may adopt and enforce reasonable rules and regulations:

- (1) ~~(a)~~ to secure and maintain safety and efficiency in the operation and maintenance of its facilities;

(2) ~~[(b)]~~ governing the use of the authority's facilities and services by the public and the payment of fares, tolls and charges;

(3) ~~[(e)]~~ regulating privileges on any land, easement, right-of-way, rolling stock or other property owned or controlled by the authority; and

(4) ~~[(d)]~~ regulating the collection and payment of emission taxes levied by the board.

(b) A condensed substantive statement of the rules and regulations ~~[and the penalty for their violation]~~ shall be published after adoption once a week for two consecutive weeks in a newspaper with general circulation in the area in which the authority is located, which notice shall advise that ~~[breach of the rules and regulations will subject the violator to a penalty and that]~~ the full text of the rules and regulations is on file in the principal office of the authority where it may be read by any interested person. Such rules and regulations shall become effective 10 days after the second publication.

~~(c) [The board may set reasonable penalties for the breach of any rule or regulation of the authority which shall not exceed fines of more than \$200 or imprisonment for more than 30 days or both. Such penalties shall be in addition to any other penalties provided by the laws of the state and may be enforced by complaint filed in the appropriate court of jurisdiction in the county in which the authority's principal office is located.]~~

An authority may employ *and commission* its own peace officers with power to make arrests when necessary to prevent or abate the commission of an offense against ~~[the rules and regulations of the authority and against]~~ the laws of the state *or a political subdivision of the state* when the offense or threatened offense occurs on any land, easement, right-of-way, rolling stock or other property owned and controlled by the authority and to make arrests in cases of an offense involving injury or detriment to any property owned or controlled by the authority.

SECTION 3. 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 April 15, 1987, by the following vote: Yeas 136, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 791 on May 26, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 791 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 22, 1987, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 791 on June 1, 1987, by a viva-voce vote.

Approved June 11, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.