

BILL ANALYSIS

C.S.H.B. 503
By: Guillen
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A number of complaints to the State Board of Veterinary Medical Examiners note that unlicensed individuals are practicing veterinary medicine in Texas. The unlicensed practice of veterinary medicine, including the provision of vaccinations, treatment, and surgery on animals, poses a significant public health risk. There is an expressed concern that the board does not currently have the authority to hire licensed peace officers to enforce the Veterinary Licensing Act and instead must depend on other resources to aid the board in the enforcement of the act. C.S.H.B. 503 seeks to mitigate the risks posed by individuals practicing veterinary medicine without a license.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 503 amends the Occupations Code to authorize the State Board of Veterinary Medical Examiners to commission as a peace officer to enforce the Veterinary Licensing Act an employee who has been certified as qualified to be a peace officer by the Texas Commission on Law Enforcement. The bill grants a commissioned employee the powers, privileges, and immunities of a peace officer while carrying out duties as a peace officer under the act.

C.S.H.B. 503 amends the Code of Criminal Procedure to make a conforming change.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 503 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

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, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (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 Texas Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit commissioned by a city, a county, or the state;
- (8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;
- (9) officers commissioned by the General Services Commission;
- (10) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (11) airport police officers commissioned by a city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more that operates an airport that serves commercial air carriers;
- (12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;
- (13) municipal park and recreational patrolmen and security officers;
- (14) security officers and investigators

commissioned as peace officers by the comptroller;

(15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;

(16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;

(17) investigators commissioned by the Texas Medical Board;

(18) officers commissioned by:

(A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;

(B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code; and

(C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code;

(19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;

(20) investigators employed by the Texas Racing Commission;

(21) officers commissioned under Chapter 554, Occupations Code;

(22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;

(23) investigators commissioned by the attorney general under Section 402.009, Government Code;

(24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;

(25) an officer employed by the Department of State Health Services under Section 431.2471, Health and Safety Code;

(26) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;

(27) officers commissioned by the state fire marshal under Chapter 417, Government Code;

(28) an investigator commissioned by the commissioner of insurance under Section

701.104, Insurance Code;
 (29) apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department as officers under Sections 242.102 and 243.052, Human Resources Code;
 (30) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;
 (31) investigators commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;
 (32) commission investigators commissioned by the Texas Private Security Board under Section 1702.061(f), Occupations Code;
 (33) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;
 (34) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;
 (35) investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; ~~and~~
 (36) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code; and
(37) officers commissioned by the State Board of Veterinary Medical Examiners under Section 801.164, Occupations Code.

SECTION 1. Subchapter D, Chapter 801, Occupations Code, is amended by adding Section 801.164 to read as follows:
Sec. 801.164. SPECIAL RANGERS.

(a) In this section:

- (1) "Commission" means the Texas Commission on Law Enforcement.
- (2) "Department" means the Department of Public Safety.

(b) The director of the department may appoint two special rangers who are employed by the board to assist law enforcement agencies in the investigation of

SECTION 2. Subchapter D, Chapter 801, Occupations Code, is amended by adding Section 801.164 to read as follows:
Sec. 801.164. PEACE OFFICERS.

No equivalent provision.

(a) The board may commission as a peace officer to enforce this chapter an employee who has been certified as qualified to be a peace officer by the Texas Commission on

violations of this chapter.

(c) Except as provided by Subsection (d), a special ranger appointed under this section may make arrests and exercise all authority given peace officers under the Code of Criminal Procedure when necessary to prevent or abate an offense under this chapter.

(d) A special ranger appointed under this section may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7, Transportation Code.

(e) A special ranger appointed under this section is not entitled to state benefits normally provided by the state to an employee that are based on the employee's status as a peace officer.

(f) A person may not serve as a special ranger under this section unless:

(1) the board submits the person's application for appointment and certification as a special ranger to the director of the department and to the executive director of the commission;

(2) the director of the department issues the person a certificate of authority to act as a special ranger;

(3) the executive director of the commission:

(A) 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

(B) issues the person a license as a special ranger; and

(4) the person has met all standards for certification as a peace officer by the commission.

(g) For good cause, the director of the department may revoke a certificate of authority issued under this section and the executive director of the commission may revoke a license issued under this section. Termination of employment with the board, or the revocation of a special ranger license, is grounds for the automatic revocation of a certificate of authority to act as a special

Law Enforcement.

(b) An employee commissioned as a peace officer under this chapter has the powers, privileges, and immunities of a peace officer while carrying out duties as a peace officer under this chapter.

No equivalent provision.

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ranger.

(h) All expenses incurred by the granting or revocation of a certificate of authority to act as a special ranger under this section shall be paid by the board.

(i) The director of the department and the executive director of the commission may adopt rules necessary for the effective administration and performance of the duties and responsibilities delegated to the director and executive director by this section.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

No equivalent provision.

No equivalent provision.

SECTION 3. Same as introduced version.