

SUBJECT: Authorizing peace officers from adjoining states to transport inmate patients

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 8 ayes — Oakley, Allen, Carter, Driver, Edwards, Luna, Madden,
McCoulskey

0 nays

1 absent — Bailey

WITNESSES: None

DIGEST: CSHB 1155 would give a peace officer from an adjoining state the same powers and immunities as a Texas peace officer while the out-of-state officer is transporting an inmate of that state to or from a hospital or medical facility in an adjoining Texas county. The powers and immunities would be limited to those needed to maintain or regain custody of the inmate.

CSHB 1155 would take immediate effect if approved by two-thirds of the membership of each house.

SUPPORTERS SAY: CSHB 1155 would clarify the authority of out-of-state law enforcement officers from a neighboring state operating in Texas for the limited purpose of transporting a prisoner to or from a Texas medical facility. In a town that straddles the border of two states, the hospital nearest a county's jail may be in the neighboring state. For example, in Texarkana the nearest Arkansas hospital is 30 miles from the jail, while the nearest Texas hospital is just a few streets distant. Currently, a Texas peace officer must escort an Arkansas peace officer and the inmate to and from the Texas hospital. This is an inefficient use of the Texas taxpayer's money and keeps the officer from answering police calls from Texans.

In addition to helping provide good patient care and more efficient use of officers' time, the bill would probably generate income for Texas hospitals. For example, Arkansas law requires that a DWI suspect be given the opportunity to receive and pay for a blood or urine test to compare to a

Breathalyzer test. Under CSHB 1155, about three suspects a day probably would request transport from Arkansas to the Texas hospital for the tests, thereby generating money for Texas hospitals. All the hospitals on the Texas side of Texarkana are operated for profit. In other cities, if this bill would apply at all, inmates probably would more likely be taken to hospitals in their own state when possible.

This bill would create no danger to the public since the out-of-state officer would have all the necessary powers to maintain and regain custody of an inmate or criminal defendant. If an inmate escaped, the out-of-state officer, out of professional courtesy, would contact the Texas police force to coordinate the search.

It would be impractical for out-of-state peace officers to receive training as a Texas peace officers for the limited purpose of transporting a prisoner to or from a medical facility.

**OPPONENTS
SAY:**

CSHB 1155 would not provide a means of disciplining out-of-state officers who abused the authority granted by Texas. These officers would not be subject to the regulations set forth by the Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE). Nor would they necessarily have the training to know about the scope of authority of Texas peace officers.

Efforts to apprehend an escapee might create tension between officers of the two states unless efforts were coordinated, which the bill does not address.

Texas hospitals operating for profit might reap benefits from this bill, but public hospitals might become overburdened with out-of-state inmates or criminal defendants who are indigent. Some standards should be set for determining when out-of-state inmates should be allowed to use Texas medical facilities.

NOTES:

The committee substitute clarified that the bill applies only to peace officers from other U.S. states, not Mexican states.