

The Senate of The State of Texas



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Senator Eddie Lucio, Jr. Opinion Committee

August 11, 1999

RQ-0101-JC

The Honorable John Cornyn
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711

FILE # ML-40940-99
I.D. # 40940

Dear General Cornyn:

The purpose of this letter is to obtain an opinion on legislation I authored, successfully passed and subsequently was signed into law by Governor Bush following the recent 76th Legislative Session. I am submitting this request on behalf of the National Park Service.

Senate Bill 965 (SB 965) amended Section 1, Article 2.122, of the Code of Criminal Procedure, by adding Subsection (d) to read as follows: **(d) A commissioned law enforcement officer of the National Park Service is not a peace officer under the laws of this state, except that the officer has the powers of arrest, search, and seizure as to any offense under the laws of this state committed within the boundaries of a national park or national recreation area. In this subsection, "national park or national recreation area" means a national park or national recreation area included in the National Park System as defined by 16 U.S.C. Section 1c(a).**

There are many different national park designations that exist within the National Park Service across the country. Title 16, Section 1c(a) defines the "national park system" as including "any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes." There was some question as to whether other park designations *not listed* in my legislation would apply. For example, in Texas there are National Historic Sites, National Seashores, National Historical Parks, National Memorials, etc.



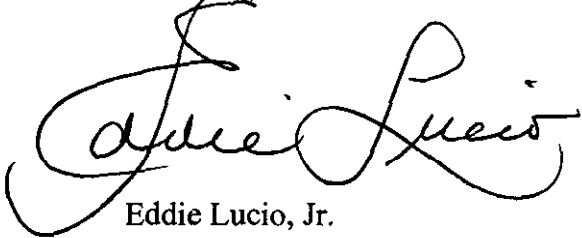
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The words "national park" were used as a general term in the body of the text in order to capture all of the varied designations to include national recreation areas that are defined in Title 16, Section 1c(a). This is supported by additional language indicating that "...a national park or national recreation area **included** in the **National Park System** as defined by..." It was my belief that this language was broad enough to capture all current and any future designations created by Congress under this specific title.

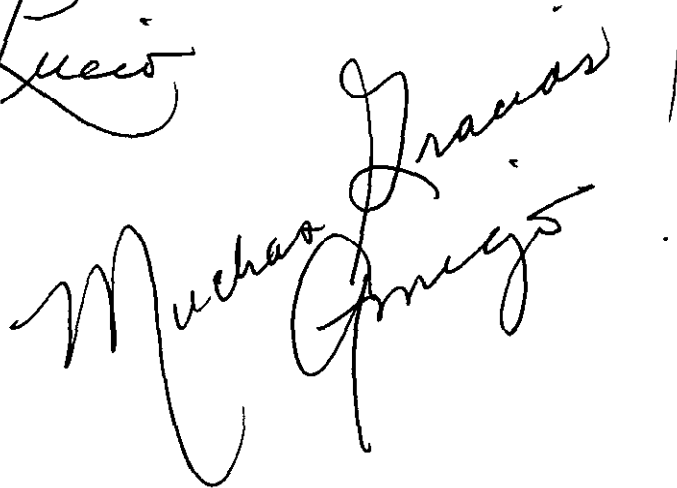
The National Park Service requested that this authority be provided to all national park units located in Texas. Therefore, it was my legislative intent to provide this limited state law enforcement authority to every unit and or designation of the National Park Service located in our state.

I look forward to receiving your opinion as to whether SB 965 is applicable to all "national park" designations defined in Title 16, Section 1c(a). SB 965 became effective immediately upon the Governor's signature. With this in mind, it is my desire to promptly minimize any confusion regarding the application and intent of this legislation. Thank you in advance for your review and consideration of this matter. Please do not hesitate to call on my staff for any assistance necessary.

Sincerely,



Eddie Lucio, Jr.
State Senator



ELJ/bg