



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

April 7, 1988

Honorable James F. Hury, Jr.
Joint Select Committee on the Judiciary
Texas House of Representatives
P. O. Box 2910
Austin, Texas 78769

LO-88-38

Re: RQ-1384 Authority of the Board of Trustees of
Galveston Wharves to commission a Public Security
Officer

Dear Representative Hury:

You ask whether the Board of Trustees of the Galveston Wharves may employ "public security officers" on the property of the Commission. Because two recent legal opinions issued by the Attorney General provide guidance in this matter, we are answering your request by letter.

The Wharves operates under the authority of article 1187f, V.T.C.S. Section 3(b)(12) authorizes the Commission

to establish a port security force and to commission one or more employees of the force as peace officers if they are certified as qualified to be peace officers by the Commission on Law Enforcement Officer Standards and Education, which peace officers commissioned under this Act are vested with all of the rights, privileges, obligations, and duties of any other peace officer in this state while they are on the property under the control of the board of trustees, or in the actual course and scope of their employment. (Emphasis added.)

Honorable James F. Hurry, Jr.
April 7, 1988
Page 2

V.T.C.S., art. 1187f, §3(b)(12). This provision does not authorize the Commission to employ public security officers. It may only use certified peace officers to enforce the law on the property of the Commission.

A "public security officer" is not a "peace officer." While persons in both categories must be licensed by the Texas Commission on Law Enforcement Officer Standards, see chapter 415 of the Government Code, the qualifications for the two types of law enforcement personnel are quite different; in fact, the requirements to obtain certification as a "peace officer" are much more strict than those necessary to obtain certification as a "public security officer." Compare 37 T.A.C. §211.102 with 37 T.A.C. §211.77. See also section 2.12 of the Code of Criminal Procedure.

Moreover, when the last session of the legislature changed the law to create the new category of "public security officers," a proposal was submitted by Representative Oakley that contained language defining a "public security officer" as a "peace officer." The language was removed before final passage. See Bill Analysis for H.B. 559, 70th Legislature, on file in the Legislative Reference Library.

I have enclosed copies of the recent opinions, that contain a thorough discussion of these matters.

Sincerely,



D.R. Bustion, II
Assistant Attorney General
Opinion Committee

DRB/bc

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Enclosures: JM-742
JM-878