



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

January 9, 1968

Hon. Homer Garrison, Jr., Director
Texas Department of Public Safety
Austin, Texas

Opinion No. M-183

Re: Whether F.B.I. vehicles
are "authorized emergency
vehicles" as defined in
Article 6701d, Section
2(d), Vernon's Civil
Statutes.

Dear Mr. Garrison:

You have requested an opinion of this office as to whether Federal Bureau of Investigation vehicles are "authorized emergency vehicles" within the meaning of Article 6701d, Section 2(d), Vernon's Civil Statutes.

Said Article 6701d, Section 2(d) reads as follows:

"Authorized Emergency Vehicle. Vehicles of the fire department (fire patrol); police vehicles; public and private ambulances for which permits have been issued by the State Board of Health, emergency vehicles or municipal departments or public service corporations as are designated or authorized by the governing body of an incorporated city; and private vehicles operated by volunteer firemen while answering a fire alarm."

The director, associate, assistants, inspectors and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for any offense in the violation of the penal laws of the United States committed in their presence, or for any felony offense cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony. 18 U.S.C. 3052. They are likewise empowered to make seizures under warrant for violation of the laws of the United States. 18 U.S.C. 3105.

In Attorney General's Opinion No. V-580 (1948) this office, in interpreting a similar version of the above referred Act, then existing, expressed the opinion that automobiles operated by the United States Immigration Border Patrol were "police vehicles" within the meaning of such Act and in so doing stated as follows:

"In the absence of a statutory definition as to what is a police vehicle, we must look to the intent of the Legislature to arrive at a proper understanding of the term. In this regard, it is reasonable to suppose that the intent of the Legislature was that a police vehicle should include any official vehicle used to discharge functions vitally connected with public safety. It cannot be conceived that the Legislature intended solely those vehicles used in enforcing traffic laws."

It is further expressed in said opinion that:

"It is inconceivable that our State Legislature intended only State and Local police officers to enjoy this special sanction in attempting to keep the peace and enforce the law of the land."

The above recited duties and powers of the Federal Bureau of Investigation clearly show that such vehicles when used in an official capacity are used to discharge functions vitally connected with public safety.

Attorney General's Opinion V-580, together with the departmental construction thereunder, having stood unmolested by statutory amendment during the years since the issuance of such opinion are themselves authorities for the proposition, and it is the opinion of this office, that Federal Bureau of Investigation vehicles are "police vehicles" and therefore are "authorized emergency vehicles" within the meaning of said Article 670ld, Section 2(d).

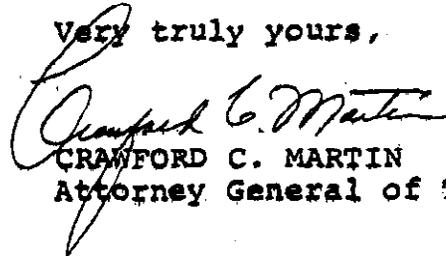
S U M M A R Y

Federal Bureau of Investigation vehicles are "police vehicles" and therefore are "authorized

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emergency vehicles" within the meaning of said
Article 670ld, Section 2(d).

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

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APPROVED:
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