



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 22, 1998

The Honorable Mark Edwards
District Attorney
32nd Judicial District of Texas
P.O. Box 1038
Sweetwater, Texas 79556

Letter Opinion No. 98-077

Re: Authority of a city marshal to investigate a matter
that occurred outside the city limits of his municipality
but within the same county (RQ-1095)

Dear Mr. Edwards:

You have requested our opinion regarding the authority of a city marshal to investigate a matter that occurred outside the city limits of his municipality but within the same county. You indicate that a fifteen year old girl was allegedly raped outside the city limits of the City of Blackwell. The girl, a resident of Blackwell, returned to her home and called the city marshal, who accompanied the victim to the hospital. The marshal subsequently investigated the scene of the crime, including a vehicle, and took statements from three of the four suspects. Since most of this activity took place outside the city limits of Blackwell, but within the same county, you ask whether the marshal was authorized to perform the investigation.

The marshal of a Type A general-law city is the ex officio chief of police. Local Gov't Code § 341.021(a). The marshal "has the same power and jurisdiction as a peace officer has under the Code of Criminal Procedure to execute warrants, to prevent and suppress crime, and to arrest offenders." *Id.* § 341.021(e). Since *Angel v. State*, 740 S.W.2d 727 (Tex. Crim. App. 1987) (en banc), the Court of Criminal Appeals has held that a city marshal and a city police officer have "county-wide jurisdiction to arrest offenders." *Id.* at 736. Furthermore, in *Bacon v. State*, 762 S.W.2d 653 (Tex. App.--Houston [14th Dist.] 1988, writ ref'd), the court of appeals held that "city police jurisdiction extends county wide, not only to the power to arrest, but also to perform all acts necessary for the suppression of crime." *Id.* at 655. Clearly, the investigation of which you inquire falls within this category. We conclude that the city marshal is authorized to investigate any crime that occurs outside the limits of his municipality but within the county in which the municipality is located.

S U M M A R Y

A city marshal is authorized to investigate any crime that occurs outside the limits of his municipality but within the county in which the municipality is located.

Yours very truly,

A handwritten signature in black ink, appearing to read "Rick Gilpin", with a long horizontal flourish extending to the right.

Rick Gilpin
Deputy Chair
Opinion Committee