

# General Order

## Houston Police Department



ISSUE DATE:

February 26, 2015

NO.

500-18

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-18, dated December 23, 1998

**SUBJECT: TRAFFIC VIOLATIONS BY LEGISLATORS AND MILITARY PERSONNEL**

### POLICY

Under certain circumstances, legislators and United States military personnel are exempt from arrest or issuance of citations for traffic violations.

This General Order applies to classified employees only.

### **1 LEGISLATORS**

The Texas Code of Criminal Procedure, Chapter I, Article 1.21, "Privilege of Legislators" states:

"Senators and Representatives shall, except in cases of treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened."

Officers should use their discretion when deciding whether to issue a citation to a Texas Senator or Representative when the legislature is in session. Also, officers shall not unnecessarily or unreasonably delay the legislator.

### **2 MILITARY PERSONNEL AND EQUIPMENT**

When military vehicles display a military license plate, they are exempt from equipment violations and do not have to comply with state regulations. If a military vehicle displays a state plate it is regulated as any other vehicle.

The following are exempt from driver license requirements as stated in the Texas Transportation Code, Chapter 521, "Driver's Licenses and Certificates:"

- a. Any person in military service of a state (e.g., National Guard) or the United States while operating an official motor vehicle in the scope of military service.
- b. Any nonresident on active duty in the armed forces of the United States who holds a license issued by the person's state or Canadian province of residence.

Military personnel are not exempt from moving traffic violations or arrest, unless extraordinary circumstances exist (e.g., martial law or war). However, before issuing a citation to military personnel who are on duty and in uniform, officers should try to contact the person's commanding officer through the dispatcher in an effort to resolve the situation so the outcome shall be mutually beneficial.

Officers should use their discretion when deciding whether to issue a citation to military personnel traveling on orders of reassignment.

Officers shall not interfere with a military convoy unless an unusual or extraordinary situation exists.

If the driver of a military vehicle is placed under arrest and there is no other person available to operate the vehicle, the vehicle shall be handled normally as per General Order 600-10, **Towing**. If the vehicle is unusual or extremely heavy (e.g., tanks and other similar equipment) and cannot be removed by normal means, officers shall

contact the dispatcher to have the military assign their personnel to remove the vehicle.

Military personnel arrested for any serious traffic offense (e.g., DWI, FSRA, or negligent homicide) shall be handled as any other citizen. This applies regardless of whether the person is operating a military or private vehicle or whether the person is on or off duty. But, before the prisoner is booked, officers shall call the district

attorney's office and make every effort to contact the prisoner's commanding officer and advise him of the situation. The district attorney's office shall make the decision whether to charge the suspect or turn him over to the suspect's commanding officer or the military police.

**3 RELATED GENERAL ORDER**

600-10, Towing

  
Charles A. McClelland, Jr.  
Chief of Police