

BILL ANALYSIS

Senate Research Center
80R11475 EJI-F

H.B. 1955
By: Elkins (Hegar)
Criminal Justice
5/13/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Prior to the late 1960s each law enforcement agency set its own standards for the employment, training, and retention of peace officers under its command. This created a vast difference between agencies in the quality of education the officers were required to attain in order to become a peace officer. Realizing the need for a uniform recruitment and training requirement for peace officers, the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was formed.

H.B. 1955 requires TCLEOSE to issue a permanent license to a peace officer once that peace officer has complied with all of the necessary requirements.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) is rescinded in SECTION 1 (Section 1701.159, Occupations Code) of this bill.

Rulemaking authority is expressly granted to TCLEOSE in SECTION 3 (Section 1701.3161, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1701.159, Occupations Code, as follows:

Sec. 1701.159. New heading: ACTIVE AND INACTIVE PEACE OFFICERS. (a) Requires the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to establish, rather than to establish by rule, a list of active licensed peace officers and a list of inactive licensed peace officers who leave the employment of a law enforcement agency.

(b) Provides that a retired peace officer as defined by Section 1701.3161 continues to hold as an inactive license the license the retired officer held at the time the retired officer last served as an elected, appointed, or employed peace officer unless the license was revoked for cause under Section 1701.501 (Disciplinary Action).

(c) Prohibits a retired peace officer who holds an inactive license from serving as a peace officer unless the person reactivates the license as provided by Section 1700.316 or 1701.3161.

SECTION 2. Amends Section 1701.307, Occupations Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires, rather than authorizes, TCLEOSE to issue a permanent license to a person who meets the requirements of this chapter (Law Enforcement Officers) and the rules prescribed by TCLEOSE to serve as an officer. Deletes existing text authorizing TCLEOSE to issue a temporary or permanent license to a person to serve as a county jailer.

(c) Authorizes TCLEOSE to issue a temporary or permanent license to a person to serve as county jailer.

SECTION 3. Amends Subchapter G, Chapter 1701, Occupations Code, by adding Section 1701.3161, as follows:

Sec. 1701.3161. REACTIVATION OF PEACE OFFICER LICENSE: RETIRED PEACE OFFICERS. (a) Defines "retired peace officer."

(b) Requires TCLEOSE to adopt rules for the reactivation of a retired peace officer's license after a break in employment. Requires the rules to allow a retired peace officer to reactivate the officer's license by completing the continuing education requirements prescribed by Section 1701.351 (Continuing Education for Peace Officers) and completing any other continuing education requirement imposed by law in lieu of successfully completing any examination required by TCLEOSE for reactivation.

(c) Requires TCLEOSE to waive the fee established for the reactivation of a peace officer's license for a retired peace officer who is eligible for reactivation as provided by Subsection (b).

SECTION 4. Requires TCLEOSE, as soon as practicable after the effective date of this Act, to adopt the rules required by Section 1701.3161, Occupations Code, as added by this Act.

SECTION 5. Effective date: upon passage or September 1, 2007.