

BILL ANALYSIS

H.B. 14
Keel
Law Enforcement
Committee Report(Substituted)

BACKGROUND AND PURPOSE

When law enforcement or public safety personnel retire, it is common practice for them to be honored by the presentation of certain items as mementos of their service to protect and serve their communities. This may also be done posthumously to honor deceased law enforcement or public safety personnel. A common example is the presentation of their badge in a decorative display case, but other examples might also include insignia, weapons, or uniforms for display. Under current law, the purchase of these items by the individual is illegal. C.S.H.B. 14 establishes a legal means for the purchase of such items by certain qualified persons.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. C.S.H.B. 14 amends Subchapter D, Chapter 614, of the Government Code by adding Section 614.055, which authorizes certain individuals to purchase a badge, insignia, weapon, or uniform from a state or local governmental agency. To qualify for a purchase under this section, an individual must have been commissioned or employed by the state or local governmental agency as a peace officer, fire fighter, licensed paramedic, certified emergency medical technician, fire or emergency medical services dispatcher, licensed county jailer, or corrections officer. This individual must also have been honorably retired from his or her commission or employment by the agency, or be scheduled to retire from the agency not later than 90 days after the date of purchase. The badge, insignia, weapon, or uniform must have been previously issued to the individual by the agency. If an individual described under this section dies or is permanently disabled in the line of duty under honorable circumstances as determined by the agency, this bill allows his or her nearest surviving relative to purchase a badge, insignia, weapon, or uniform. However, it prohibits a purchase of a weapon prohibited under Section 46.05 of the Penal Code. The bill authorizes another person, such as an association of law enforcement officers or public safety personnel, to purchase a badge, insignia, weapon, or uniform to present to an individual or nearest surviving relative who meets its qualifications. The bill requires the purchaser of a badge, insignia, weapon, or uniform under this section to pay fair market value for the item and to affix it on a plaque or place it in a presentation case. This section does not apply to the extent that an item may be purchased by or on behalf of an individual under other law.

SECTION 2. C.S.H.B. 14 amends the heading of Subchapter D, Chapter 614 of the Government Code by replacing "firearm" with "items" and "peace officer" with "law enforcement officer or public safety personnel." The heading of Subchapter D, Chapter 614 now reads: Purchase of Agency-Issued Items of Honorably Retired or Deceased Law Enforcement Officer or Public Safety Personnel.

SECTION 3. C.S.H.B. 14 amends Section 614.053 of the Government Code by adding local governmental agencies as organizations required to set the amount for which a firearm may be purchased, and also includes other items established in this subchapter as purchasable items for which the purchase price must be set by the agencies. C.S.H.B. 14 amends Section 614.053 of the Government Code by

adding Subsection (b), requiring the purchasing agent of a local government, if one exists, to oversee the sale of a firearm or other item sold by an agency of the local government under this subchapter.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 14 modifies the original by adding licensed county jailers and corrections officers to the list of individuals qualified to purchase a badge, insignia, weapon, or uniform under Subsection (a) (1) of Section 614.055. The substitute changes the words ‘peace officers or firefighters’ to ‘law enforcement officers or public safety personnel’ in the heading of Section 614.055, in Subsection (d) of Section 614.055, and in the heading of Subchapter D, Chapter 614 of the Government Code. The substitute adds Subsection (b) to Section 614.053 of the Government Code, which requires the purchasing agent of a local government, if the local government has a purchasing agent, to oversee the sale of a firearm or other item sold by an agency of the local government under Subchapter D.