

## **BILL ANALYSIS**

H.B. 1458  
By: Eiland  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, honorably retired peace officers are not specifically protected under the Obstruction or Retaliation Act (Penal Code 36.06), which sets the penalty for intentional harm to a public servant, witness, prospective witness, or informant at a second degree felony. House Bill 1458 would include honorably retired peace officers in this group.

### **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. House Bill 1458 amends Section 36.06(b) of the Penal Code by defining "honorably retired peace officer" as a peace officer who did not retire because of disciplinary actions, was eligible to retire or could not retire due to a job-related injury, and can receive a pension or annuity if it is offered. The bill defines "public servant" to include honorably retired peace officers.

SECTION 2. House Bill 1458 applies to offenses committed on or after September 1, 2003, and an offense occurs before this date if any element of the crime was committed before that date. The former law is in effect for offenses committed before September 1, 2003.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2003.