

BILL ANALYSIS

C.S.H.B. 2762
By: Garza
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Texas Commission On Law Enforcement Officer Standards and Education (TCLEOSE) uses the terms appointment, employment, hiring, commissioning, and licensing interchangeably. This can create confusion regarding longevity pay, eligibility for service time, and eligibility for retirement programs, because officers are sometimes hired prior to being commissioned. C.S.H.B. 2762 clarifies that a TCLEOSE commission rule altering the hiring date from what is on the employment records does not effect longevity or retirement benefits.

Further, under current law, TCLEOSE can immediately revoke a the license of a peace officer convicted of a felony and immediately suspend the license of a peace officer who has been placed on community supervision when charged with a felony and placed on deferred adjudication. Historically, a person who has been placed on deferred adjudication or community supervision for a felony is allowed reinstatement when their probation was completed. C.S.H.B. 2762 requires TCLEOSE to revoke the license of a person who is placed on community supervision for a felony or a violation of Section 21.08 of the Penal Code (Indecent Exposure) if the victim is a child.

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. 2762 amends Section 1701.152 of the Occupations Code by providing that a commission rule that sets the date of appointment of a peace officer at a later date than the date appearing on the employment records of the hiring law enforcement agency does not effect any matter related to retirement or longevity benefits.

SECTION 2. C.S.H.B. 2762 amends Section 1701.307(b) of the Occupations Code by removing the word "permanent". The section provides that the Texas Commission On Law Enforcement Officer Standards and Education (TCLEOSE) may issue a license to a person to serve as an officer and may issue a license or temporary license to a person to serve as county jailer.

SECTION 3. C.S.H.B. 2762 amends Section 1701.502 of the Occupations Code by requiring TCLEOSE to immediately revoke the license of a person licensed under this chapter who receives community supervision for a felony, including those for which the court defers proceedings without an adjudication of guilt. The bill also amends the same section to require TCLEOSE to immediately revoke the license of a person licensed under this chapter who is convicted of, or placed on community supervision for, an offense under Section 21.08 of the Penal Code (Indecent Exposure) if the victim is a child.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2762 modifies the original by requiring TCLEOSE to immediately revoke the license of a person licensed under this chapter who is convicted of, or placed on community supervision for, an offense under Section 21.08 of the Penal Code (Indecent Exposure) if the victim is a child. The original required TCLEOSE to immediately revoke the license of a person licensed under this chapter who is convicted of, or placed on community supervision for, an offense listed in Section 13B(b), Article 42.12, Code of Criminal Procedure (Defendants Placed on Community Supervision for Sexual Offenses Against Children), if the victim of the offense is a child. All offenses under Section 13B(a), Article 42.12, Code of Criminal Procedure are felonies, except for Section 21.08 of the Penal Code (Indecent Exposure).