

## BILL ANALYSIS

Senate Research Center  
78R1594 YDB-D

S.B. 192  
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Intergovernmental Relations  
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### DIGEST AND PURPOSE

When public safety personnel, such as a police officers and fire fighters, retire or die in the line of duty, it is common practice for their agencies to present a memento, which can be a decorative case, a uniform, a weapon, or some other insignia for display, as a recognition of their services. The presentation of such a memento is legal; however, the purchase of such items are illegal. As proposed, S.B. 192 establishes legal basis for the purchase of mementoes. This bill authorizes a retiring individual or, if the individual is deceased, his or her nearest surviving relative, and other designated persons, such as a recognized law enforcement association, to purchase a badge, insignia, weapon or uniform on behalf of the individual.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 614, Government Code, by adding Section 614.055, as follows:

Sec. 614.055. PURCHASE OF BADGE, INSIGNIA, WEAPON, OR UNIFORM OF CERTAIN HONORABLY RETIRED OR DECEASED PEACE OFFICERS OR FIRE FIGHTERS. (a) Authorizes an individual to purchase a badge, insignia, weapon, or uniform from a state or local governmental agency (agency) as provided by this section if:

(1) the individual was commissioned or employed by the agency as a peace officer, fire fighter, licensed paramedic, certified emergency medical technician, or fire or emergency medical services dispatcher;

(2) the individual was honorably retired from the agency or is scheduled to retire honorably within a certain time frame; and

(3) the badge, insignia, weapon, or uniform had been previously issued to the individual by the agency.

(b) Authorizes the nearest surviving relative of an individual described by Subsection (a) (1) who died or was permanently disabled in the line of duty under certain circumstances to purchase items described by Subsection (a) (3).

(c) Prohibits such an individual or person from purchasing a weapon prohibited under Section 46.05 (Prohibited Weapons), Penal Code.

(d) Authorizes another person under certain circumstances to purchase an item described by Subsection (a) (3) for the purpose of presenting the item to an individual who meets the qualifications of either Subsection (a) or Subsection (b).

(e) Requires an individual or person who purchases an item under this section to purchase the item at fair market value and permanently affix the item to a plaque

or place it within a presentation case.

(f) Provides that this section does not apply to the extent that an item that may be purchased by or on behalf of an individual under another law.

SECTION 2. Amends the heading to Subchapter D, Chapter 614, Government Code, to read as follows:

SUBCHAPTER D. PURCHASE OF AGENCY-ISSUED ITEMS OF  
HONORABLY RETIRED OR DECEASED PEACE OFFICER OR FIRE FIGHTER

SECTION 3. Amends Section 614.053, Government Code, to include a local government agency among the type of agencies that are required to establish the amount of certain items rather than just a firearm.

SECTION 4. Effective date: September 1, 2003.