

BILL ANALYSIS

H.B. 340
By: Seaman
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Since September 11, 2001, the security of ports in the State of Texas has been studied by many state agencies and committees. During the 78th Legislative Session interim, the Sub-Committee on Port Security recommended that H.B. 340 be implemented into law. Currently, only municipalities, counties, DFW Police Department and the Sabine River Authority are authorized to have reserve peace officers. Reserve police officers must hold a peace officer license issued by the Texas Commission on Law Enforcement Officers' Standards and Education (TCLEOSE). These officers generally are required to work at least 8-16 hours a month to be in good standings as a reserve officer. H.B. 340 grants port authority police departments the authority to obtain the benefits of reserve peace officers.

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: This section gives the commission or a district that has established a police force the authority to establish a volunteer police reserve force. The commission will also establish certification requirements and establish the members of the force. These officers shall not be employees of the district and will serve without pay. Reserve officers may be called into service at any time to preserve the peace and enforce the law.

The commission must approve an appointment to the reserve force before the person appointed may carry a weapon or otherwise act as a peace officer. On approval of a person appointed of a person who is not a peace officer as described by Article 2.12, Code of Criminal Procedure, the person may carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer. Under this section, the chief may authorize the carrying of a firearm and limit the persons authority to carry a firearm. These officers may act only to supplement the districts regular police force, and may not assume the full-time duties of regular police officers without complying with the requirements for regular police officers.

These reserve officers are not eligible for a pension fund created by statute for the benefit of full-time paid peace officers and are exempt from Chapter 1702, Occupation Code.

SECTION 2: Amends the Occupation Code to say "Reserve law enforcement officer" means a person designated as a reserve law enforcement officer under Section 85.004, 86.012, or 341.012, Local Government Code, or Section 60.0775, Water Code.

SECTION 3: Effective Date

EFFECTIVE DATE

Upon passage, or , if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.