

## **BILL ANALYSIS**

C.S.H.B. 2163  
By: Callegari  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Recently, attention has been brought to the fact that some peace officers are using their rank and status as officers to promote private businesses, such as in advertisements on billboards and television. C.S.H.B. 2163 prohibits a peace officer from using his or her rank and/or status to advertise a private business in which the peace officer has an ownership interest or of which the peace officer is a manager. This bill does not affect officers' ability to obtain outside employment.

### **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**

C.S.H.B. 2163 amends Chapter 614, Government Code, by adding Subchapter H, as follows:

- Defines "peace officer", for purposes of this subchapter, as an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2.12, Code of Criminal Procedure.
- Prohibits an active peace officer from using the peace officer's status or rank as a peace officer to advertise or otherwise promote a private business in which the peace officer has an ownership interest or of which the peace officer is a manager.
- Provides that a peace officer who violates this section is subject to disciplinary action by the Texas Commission on Law Enforcement Officer Standards and Education under Subchapter K, Chapter 1701, Occupations Code.
- Provides that for purposes of Section 1701.501, Occupations Code, a violation of this section is considered a violation of Chapter 1701, Occupations Code.

### **EFFECTIVE DATE**

September 1, 2005

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill prohibits any peace officer from using the peace officer's status or rank as a peace officer to advertise or otherwise promote any private business. The committee substitute prohibits an active peace officer from using the peace officer's status or rank as a peace officer to advertise or otherwise promote any private business in which the peace officer has an ownership interest or of which the peace officer is a manager.

The original bill provides that a peace officer who violates this section is subject to disciplinary action by the peace officer's employing governmental entity. The committee substitute provides that a peace officer who violates this section is subject to disciplinary action by the Texas Commission on Law Enforcement Officer Standards and Education under Subchapter K, Chapter 1701, Occupations Code and provides that for purposes of Section 1701.501, Occupations Code, a violation of this section is considered a violation of Chapter 1701, Occupations Code.