

## **BILL ANALYSIS**

C.S.H.B. 2769  
By: Talton  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, when a peace officer or former peace officer passes away, his family is provided with a state flag at no cost by the Commission on Law Enforcement Officer Standards and Education. The law makes no distinction between officers who retire honorably and those who are terminated for cause. Many believe that the honor of receiving the state flag should be reserved to those who retired honorably.

C.S.H.B. 2769 provides that the family of a peace officer who honorably retires will receive the state flag upon that officer's passing.

### **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. 2769 amends Section 615.105(a), Government Code, regarding provision of state flags, to provide that the section applies to an honorably retired peace officer who voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state.

C.S.H.B. 2769 amends Section 191.025(f), Health and Safety Code, to require that the form for the registration of deaths used by the Department of Public Safety include the question "Was the decedent a peace officer or an honorably retired peace officer in this state?"

The bill amends Section 651.409, Occupations Code, to require a funeral director who prepares a deceased peace officer for burial to make every effort to advise the next of kin that the decedent was a peace officer at the time of death or an honorably retired peace officer who voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state.

The bill amends Section 1701.161(a), Occupations Code, to require that the Commission on Law Enforcement Officer Standards and Education provide a state flag, upon request and at no cost to the next of kin of a deceased honorably retired peace officer who voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state.

The bill provides that the Department of State Health Services is not required to implement Section 191.025(f), Health and Safety Code, as amended by this Act, until the next time at which the department is otherwise requiring a revision to the form for registration of deaths.

The bill makes conforming and non-substantive changes.

### **EFFECTIVE DATE**

September 1, 2005

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

C.S.H.B. 2769 79(R)

The original bill amends Section 615.105(a), Government Code, to provide that the section applies to an honorably retired peace officer who completed at least 15 years of service with one or more law enforcement agencies in this state. The committee substitute provides that the section applies to an honorably retired peace officer who voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state.

The original bill amends Section 651.409, Occupations Code, to require that a funeral director who prepares a deceased peace officer for burial make every effort to advise the next of kin that the decedent was a peace officer at the time of death or an honorably retired peace officer who had completed at least 15 years of service with one or more law enforcement agencies in the state. The committee substitute requires that the funeral director make every effort to advise the next of kin that the decedent was a peace officer at the time of death or an honorably retired peace officer who voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state.

The original bill amends Section 1701.161(a), Occupations Code, to require that the Commission on Law Enforcement Officer Standards and Education provide a state flag upon request and at no cost to the next of kin of a deceased honorably retired peace officer who completed at least 15 years of service with one or more law enforcement agencies in the state. The committee substitute requires that the commission provide a state flag upon request and at no cost to the next of kin of a deceased honorably retired peace officer who voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state.