

AN ACT

relating to the authority of a navigation district to establish a volunteer police reserve force.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 60, Water Code, is amended by adding Section 60.0775 to read as follows:

Sec. 60.0775. POLICE RESERVE FORCE. (a) The commission of a district that has established a police force may establish a volunteer police reserve force.

(b) The commission shall establish qualifications and training standards for reserve force members.

(c) The commission may limit the size of the reserve force.

(d) The chief of the district police force shall appoint volunteers to serve as reserve force members. Members are not district employees and serve without pay and at the chief's discretion.

(e) The chief of police may call the reserve force into service at any time the chief considers it necessary to have additional officers to preserve the peace and enforce the law.

(f) A reserve force member who is not a peace officer as described by Article 2.12, Code of Criminal Procedure, may act as a peace officer only during the discharge of official duties. A reserve force member who is a peace officer under that article must hold a permanent peace officer license issued under Chapter 1701,

1 Occupations Code.

2 (g) The commission must approve an appointment to the
3 reserve force before the person appointed may carry a weapon or
4 otherwise act as a peace officer. On approval of the appointment of
5 a person who is not a peace officer as described by Article 2.12,
6 Code of Criminal Procedure, the person appointed may carry a weapon
7 only when authorized to do so by the chief of police and only when
8 discharging official duties as a peace officer. On approval of the
9 appointment of a person who is a peace officer as described by
10 Article 2.12, Code of Criminal Procedure, the chief of police may:

11 (1) authorize the person appointed to carry a weapon
12 or act as a peace officer at all times, regardless of whether the
13 person is engaged in the discharge of official duties; or

14 (2) limit the person's authority to carry a weapon or
15 act as a peace officer to only those times during which the person
16 is engaged in the discharge of official duties.

17 (h) Reserve police officers may act only to supplement the
18 district's regular police force and may not assume the full-time
19 duties of regular police officers without complying with the
20 requirements for regular police officers.

21 (i) A reserve police officer, regardless of whether the
22 reserve police officer is a peace officer as described by Article
23 2.12, Code of Criminal Procedure, is not:

24 (1) eligible for participation in:

25 (A) a program provided by the commission that is
26 normally considered a financial benefit of full-time employment; or

27 (B) a pension fund created by statute for the

1 benefit of full-time paid peace officers; or

2 (2) exempt from Chapter 1702, Occupations Code.

3 (j) After being appointed under this section, a reserve
4 police officer must execute an oath and execute a bond in the amount
5 of \$2,000 payable to the commission. The officer may not perform
6 any duties under this section until the officer files the oath and
7 bond with the commission's secretary.

8 SECTION 2. Section 1701.001(6), Occupations Code, is
9 amended to read as follows:

10 (6) "Reserve law enforcement officer" means a person
11 designated as a reserve law enforcement officer under Section
12 85.004, 86.012, or 341.012, Local Government Code, or Section
13 60.0775, Water Code.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 340 was passed by the House on April 12, 2005, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 340 on May 17, 2005, by the following vote: Yeas 136, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 340 was passed by the Senate, with amendments, on May 13, 2005, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor