

By: Seaman

H.B. No. 340

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of a navigation district to establish a  
3 volunteer police reserve force.

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

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

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

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

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

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

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

20 (f) A reserve force member who is not a peace officer as  
21 described by Article 2.12, Code of Criminal Procedure, may act as a  
22 peace officer only during the discharge of official duties.

23 (g) The commission must approve an appointment to the  
24 reserve force before the person appointed may carry a weapon or

1 otherwise act as a peace officer. On approval of the appointment of  
2 a person who is not a peace officer as described by Article 2.12,  
3 Code of Criminal Procedure, the person appointed may carry a weapon  
4 only when authorized to do so by the chief of police and only when  
5 discharging official duties as a peace officer. On approval of the  
6 appointment of a person who is a peace officer as described by  
7 Article 2.12, Code of Criminal Procedure, the chief of police may:

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

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

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

18 (i) A reserve police officer, regardless of whether the  
19 reserve police officer is a peace officer as described by Article  
20 2.12, Code of Criminal Procedure, is not:

21 (1) eligible for participation in:

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

24 (B) a pension fund created by statute for the  
25 benefit of full-time paid peace officers; or

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

27 SECTION 2. Section 1701.001(6), Occupations Code, is

1 amended to read as follows:

2 (6) "Reserve law enforcement officer" means a person  
3 designated as a reserve law enforcement officer under Section  
4 85.004, 86.012, or 341.012, Local Government Code, or Section  
5 60.0775, Water Code.

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