

1-1 By: Seaman, Herrero H.B. No. 340  
1-2 (Senate Sponsor - Hinojosa)  
1-3 (In the Senate - Received from the House April 13, 2005;  
1-4 April 14, 2005, read first time and referred to Committee on  
1-5 Natural Resources; May 3, 2005, reported adversely, with favorable  
1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-7 May 3, 2005, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 340 By: Barrientos

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to the authority of a navigation district to establish a  
1-12 volunteer police reserve force and to the state law enforcement  
1-13 authority of certain federal peace officers.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subchapter D, Chapter 60, Water Code, is amended  
1-16 by adding Section 60.0775 to read as follows:

1-17 Sec. 60.0775. POLICE RESERVE FORCE. (a) The commission of  
1-18 a district that has established a police force may establish a  
1-19 volunteer police reserve force.

1-20 (b) The commission shall establish qualifications and  
1-21 training standards for reserve force members.

1-22 (c) The commission may limit the size of the reserve force.

1-23 (d) The chief of the district police force shall appoint  
1-24 volunteers to serve as reserve force members. Members are not  
1-25 district employees and serve without pay and at the chief's  
1-26 discretion.

1-27 (e) The chief of police may call the reserve force into  
1-28 service at any time the chief considers it necessary to have  
1-29 additional officers to preserve the peace and enforce the law.

1-30 (f) A reserve force member who is not a peace officer as  
1-31 described by Article 2.12, Code of Criminal Procedure, may act as a  
1-32 peace officer only during the discharge of official duties.

1-33 (g) The commission must approve an appointment to the  
1-34 reserve force before the person appointed may carry a weapon or  
1-35 otherwise act as a peace officer. On approval of the appointment of  
1-36 a person who is not a peace officer as described by Article 2.12,  
1-37 Code of Criminal Procedure, the person appointed may carry a weapon  
1-38 only when authorized to do so by the chief of police and only when  
1-39 discharging official duties as a peace officer. On approval of the  
1-40 appointment of a person who is a peace officer as described by  
1-41 Article 2.12, Code of Criminal Procedure, the chief of police may:

1-42 (1) authorize the person appointed to carry a weapon  
1-43 or act as a peace officer at all times, regardless of whether the  
1-44 person is engaged in the discharge of official duties; or

1-45 (2) limit the person's authority to carry a weapon or  
1-46 act as a peace officer to only those times during which the person  
1-47 is engaged in the discharge of official duties.

1-48 (h) Reserve police officers may act only to supplement the  
1-49 district's regular police force and may not assume the full-time  
1-50 duties of regular police officers without complying with the  
1-51 requirements for regular police officers.

1-52 (i) A reserve police officer, regardless of whether the  
1-53 reserve police officer is a peace officer as described by Article  
1-54 2.12, Code of Criminal Procedure, is not:

1-55 (1) eligible for participation in:

1-56 (A) a program provided by the commission that is  
1-57 normally considered a financial benefit of full-time employment; or

1-58 (B) a pension fund created by statute for the  
1-59 benefit of full-time paid peace officers; or

1-60 (2) exempt from Chapter 1702, Occupations Code.

1-61 SECTION 2. Section 1701.001(6), Occupations Code, is  
1-62 amended to read as follows:

1-63 (6) "Reserve law enforcement officer" means a person

2-1 designated as a reserve law enforcement officer under Section  
2-2 85.004, 86.012, or 341.012, Local Government Code, or Section  
2-3 60.0775, Water Code.

2-4 SECTION 3. This Act takes effect immediately if it receives  
2-5 a vote of two-thirds of all the members elected to each house, as  
2-6 provided by Section 39, Article III, Texas Constitution. If this  
2-7 Act does not receive the vote necessary for immediate effect, this  
2-8 Act takes effect September 1, 2005.

2-9

\* \* \* \* \*