

By: Talton

H.B. No. 2769

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the presentation of state flags to survivors of certain  
3 deceased honorably retired peace officers.

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

5 SECTION 1. Section 615.105(a), Government Code, is amended  
6 to read as follows:

7 (a) This section applies only to:

8 (1) an individual elected, appointed, or employed as a  
9 peace officer by the state or a political subdivision of the state  
10 under Article 2.12, Code of Criminal Procedure, or other law; or

11 (2) an honorably retired peace officer [~~individual~~]  
12 who formerly held a position described by Subdivision (1) and  
13 voluntarily terminated employment with a law enforcement agency of  
14 this state or a political subdivision of this state.

15 SECTION 2. Section 191.025(f), Health and Safety Code, is  
16 amended to read as follows:

17 (f) The department shall require that the form for the  
18 registration of deaths must include the question, "Was the decedent  
19 [~~ever~~] a peace officer or an honorably retired peace officer in this  
20 state?".

21 SECTION 3. Section 651.409, Occupations Code, is amended to  
22 read as follows:

23 Sec. 651.409. NOTICE TO NEXT OF KIN OF DECEASED PEACE  
24 OFFICER. A funeral director who prepares a deceased peace officer

1 for burial or other disposition shall make every effort to advise  
2 the next of kin of the officer that the next of kin of a person who  
3 at the time of death was a peace officer or an honorably retired [~~a~~  
4 ~~former~~] peace officer who voluntarily terminated employment with a  
5 law enforcement agency of this state or a political subdivision of  
6 this state [~~at the time of death~~] is eligible on request to receive  
7 a state flag from the Commission on Law Enforcement Officer  
8 Standards and Education at no cost to the next of kin.

9 SECTION 4. Section 1701.161(a), Occupations Code, is  
10 amended to read as follows:

11 (a) If the next of kin of a deceased peace officer requests a  
12 state flag, the commission shall:

13 (1) provide a state flag, at no cost to the next of  
14 kin, if the peace officer was:

15 (A) a current [~~or former~~] peace officer at the  
16 time of the officer's death; or

17 (B) an honorably retired peace officer who  
18 voluntarily terminated employment with a law enforcement agency of  
19 this state or a political subdivision of this state; and

20 (2) notify the office of the governor of the death of  
21 the peace officer.

22 SECTION 5. The Department of State Health Services is not  
23 required to implement Section 191.025(f), Health and Safety Code,  
24 as amended by this Act, until the next time at which the department  
25 is otherwise requiring a revision to the form for the registration  
26 of deaths.

27 SECTION 6. This Act takes effect September 1, 2005.