

1-1 By: Talton (Senate Sponsor - Whitmire) H.B. No. 2769
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on Criminal
1-4 Justice; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the presentation of state flags to survivors of certain
1-9 deceased honorably retired peace officers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 615.105(a), Government Code, is amended
1-12 to read as follows:

1-13 (a) This section applies only to:

1-14 (1) an individual elected, appointed, or employed as a
1-15 peace officer by the state or a political subdivision of the state
1-16 under Article 2.12, Code of Criminal Procedure, or other law; or

1-17 (2) an honorably retired peace officer ~~[individual]~~
1-18 who formerly held a position described by Subdivision (1) and
1-19 voluntarily terminated employment with a law enforcement agency of
1-20 this state or a political subdivision of this state.

1-21 SECTION 2. Section 191.025(f), Health and Safety Code, is
1-22 amended to read as follows:

1-23 (f) The department shall require that the form for the
1-24 registration of deaths must include the question, "Was the decedent
1-25 ~~[ever]~~ a peace officer or an honorably retired peace officer in this
1-26 state?"

1-27 SECTION 3. Section 651.409, Occupations Code, is amended to
1-28 read as follows:

1-29 Sec. 651.409. NOTICE TO NEXT OF KIN OF DECEASED PEACE
1-30 OFFICER. A funeral director who prepares a deceased peace officer
1-31 for burial or other disposition shall make every effort to advise
1-32 the next of kin of the officer that the next of kin of a person who
1-33 at the time of death was a peace officer or an honorably retired ~~[a~~
1-34 ~~former]~~ peace officer who voluntarily terminated employment with a
1-35 law enforcement agency of this state or a political subdivision of
1-36 this state [at the time of death] is eligible on request to receive
1-37 a state flag from the Commission on Law Enforcement Officer
1-38 Standards and Education at no cost to the next of kin.

1-39 SECTION 4. Section 1701.161(a), Occupations Code, is
1-40 amended to read as follows:

1-41 (a) If the next of kin of a deceased peace officer requests a
1-42 state flag, the commission shall:

1-43 (1) provide a state flag, at no cost to the next of
1-44 kin, if the peace officer was:

1-45 (A) a current ~~[or former]~~ peace officer at the
1-46 time of the officer's death; or

1-47 (B) an honorably retired peace officer who
1-48 voluntarily terminated employment with a law enforcement agency of
1-49 this state or a political subdivision of this state; and

1-50 (2) notify the office of the governor of the death of
1-51 the peace officer.

1-52 SECTION 5. The Department of State Health Services is not
1-53 required to implement Section 191.025(f), Health and Safety Code,
1-54 as amended by this Act, until the next time at which the department
1-55 is otherwise requiring a revision to the form for the registration
1-56 of deaths.

1-57 SECTION 6. This Act takes effect September 1, 2005.

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