

BILL ANALYSIS

Senate Research Center

H.B. 638
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes a retired peace officer to carry a firearm without a concealed handgun license if the officer receives a pension from the officer's prior law enforcement agency. The pension requirement is intended to ensure that only certified retired peace officers utilize this privilege; however, many smaller law enforcement agencies do not offer a pension to their retirees. As such, the privilege effectively excludes those retirees.

H.B. 638 authorizes an honorably retired peace officer whose prior agency does not offer a pension to utilize this privilege upon the officer's retirement. The bill also requires an identification card to be issued to each retiring police officer that may be used to identify the officer as eligible to utilize the privilege.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1701.357(c), Occupations Code, to require a law enforcement agency to issue a certificate of weapons proficiency to a retired officer who satisfactorily demonstrates weapons proficiency under Subsection (b) (upon being provided the opportunity do so as provided by the subsection), provides proof that the officer is entitled to receive a pension or annuity for, rather than retirement benefits on the basis of service with a state or local law enforcement agency or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the retired officer does not offer a pension or annuity to its retired employees. Provides that, for purposes of this subsection, proof that a retired officer is entitled to receive a pension or annuity or is not entitled to receive a pension or annuity only because the agency that last employed the retired officer does not offer a pension or annuity may include a retired peace officer identification card issued under Subchapter H, Chapter 614, Government Code.

SECTION 2. Amends Chapter 614, Government Code, by adding Subchapter H, as follows:

SUBCHAPTER H. IDENTIFICATION CARDS FOR CERTAIN RETIRED PEACE OFFICERS

Sec. 614.121. DEFINITION. Defines "honorably retired peace officer" (retired officer).

Sec. 614.122. ISSUANCE OF IDENTIFICATION CARD. Requires the law enforcement agency or other governmental entity that was the last entity to appoint or employ a retired officer as a peace officer to issue an identification card (ID) to its retired officers [sic].

Sec. 614.123. APPEARANCE AND CONTENT OF IDENTIFICATION CARD. (a) Sets forth the required information to be included in the ID.

(b) Requires the law enforcement agency or other governmental entity that issues the card to print certain items set forth in this subsection on the ID.

Sec. 614.124. EXPIRATION DATE. Provides that an ID issued under this subchapter expires on a date specified by the issuing entity.

Sec. 614.125. LOST OR STOLEN CARDS. Authorizes the law enforcement agency or other governmental entity issuing the ID, if the ID is lost or stolen, to require a retired officer to submit an affidavit executed by the officer to the issuing entity stating that the ID was lost or stolen and issue a duplicate ID to the officer.

SECTION 3. (a) Requires each law enforcement agency or other governmental entity required to issue identification cards under Subchapter H, Chapter 614, Government Code, as added by this Act, to issue the cards not later than January 1, 2008.

(b) Makes application of Section 1701.357(c), Occupations Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2007.