

BILL ANALYSIS

C.S.H.B. 1955
By: Elkins
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Prior to the late 1960's each law enforcement agency set its own standards for the employment, training and retention of peace officers under their command. This created a vast difference between agencies in the quality of education the officers were required to attain in order to become a peace officer. Realizing the need for a uniform recruitment and training requirement for peace officers, the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was formed.

C.S.H.B. 1955 directs that once a peace officer has complied with all of the necessary requirements to become licensed, a permanent license shall be issued by the Commission.

RULEMAKING AUTHORITY

It is the Committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Law Enforcement Officer Standards and Education in Section 3 and 4 of this bill.

ANALYSIS

SECTION 1. Amends 1701.159, Occupations Code to add retired peace officers' inactive licenses to the list established under this section. A retired peace officer may not serve as a peace officer unless the license is reactivated under Section 1701.316 or 1701.3161.

SECTION 2. Amends 1701.307, Occupations Code to direct Texas Commission on Law Enforcement Officer Standards and Education to issue a permanent license to a person who meets the requirements of this chapter and rules of the Texas Commission on Law Enforcement Officer Standards and Education. A temporary or permanent license may be issued to a person to serve as a county jailer.

SECTION 3.

(a) Defines "retired peace officer" as a person who served as a peace officer but who is not currently an elected, appointed or employed peace officer under Article 2.12, Code of Criminal Procedure, or other law; who was eligible to retire from a law enforcement agency in this state or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the law enforcement agency; and is eligible to receive a pension or annuity for work as a peace officer in this state or is ineligible only because the agency does not offer a pension or annuity to its employees.

(b) Requires Texas Commission on Law Enforcement Officer Standards and Education to adopt rules for the reactivation of a retired peace officer's license after a break in employment allowing the peace officer to reactivate by completing the continuing education requirements under Section 1701.351 and other continuing education requirements imposed by law, in lieu of an examination required by the commission for reactivation.

(c) Texas Commission on Law Enforcement Officer Standards and Education shall waive the fee for reactivation according to Subsection (b).

SECTION 4. Texas Commission on Law Enforcement Officer Standards and Education is directed to adopt rules required by Section 1701.3161 as soon as practicable.

C.S.H.B. 1955 80(R)

SECTION 5. Effective Date. Upon passage or September 1, 2007 if the bill does not receive the vote necessary.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect on September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds that a peace officer must complete any continuing education required by law to reactivate their license. The substitute also adds that Texas Commission on Law Enforcement Officer Standards and Education shall waive the fee to reactivate an eligible retired peace officer's license.