

BILL ANALYSIS

H.B. 3613
By: Latham
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, there is no state standard for commissioned peace officer identification cards. Law enforcement agencies create their own peace officer identification cards which means the type of the information on the ID and the quality of the ID vary greatly. This issue has been forced to the forefront by two things.

Efforts to increase homeland security and a recent increase in the number of cases of impersonating a peace officer have exacerbated the problem of inconsistency in peace officer ID cards and the ease with which they are forged or altered.

Peace officers, others charged with public safety, and the citizens must be able to quickly and effectively determine if someone is an actual Texas peace officer. This bill would create a statewide standard for the peace officer ID cards which would include the type of commission an officer carried.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3613 amends Chapter 614.121, Government code by adding Subchapter H which defines "Full-time peace officer," "Honorably retired peace officer," "Part-time peace officer," and "Reserve law enforcement officer" for the subchapter.

The bill requires that the law enforcement agency or other governmental entity that appoints or employs a peace officer issue an identification card to its full-time or part-time peace officers. The bill also describes what the identification card must include. The bill also requires that the head of a law enforcement agency or other governmental entity that appoints or employs a peace officer recover the identification card at the time of the peace officer's resignation or termination.

The bill requires that a law enforcement agency or other governmental entity that appoints or employs a reserve law enforcement officer issue an identification card to its reserve law enforcement officers and states what the identification card must include. The bill also requires that the head of a law enforcement agency or other governmental entity that appoints or employs a reserve law enforcement officer recover the identification card at the time of the reserve law enforcement officer's resignation or termination.

The bill states that the law enforcement agency or other governmental entity that was the last entity to appoint or employ an honorably retired peace officer as a peace officer is authorized to issue an identification card to its honorably retired peace officers and states what the identification card must include. The bill also requires that the head of a law enforcement agency or other governmental entity that issued the identification card on the date the identification card expires.

H.B. 3613 provides that an identification card issued under this subchapter expires on an expiration date specified by the law enforcement agency or other governmental entity issuing the card and that the identification card issued under this subchapter must be, to the extent practicable, tamper-proof.

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H.B. 3613 adds that if a card is lost or stolen, the law enforcement agency or other governmental entity issuing the card may require the peace officer, reserve law enforcement officer, or honorably retired peace officer to execute and submit an affidavit stating that the identification card was lost or stolen. The law enforcement agency of other governmental entity is authorized to then issue a duplicate identification card to the peace officer, reserve law enforcement officer, or honorably retired peace officer.

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, shall issue the cards not later than, January 1, 2008.

EFFECTIVE DATE

September 1, 2007