

By: Hughes, Flynn

H.B. No. 638

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the issuance of identification cards to certain retired  
3 peace officers and to the eligibility of certain retired peace  
4 officers to obtain a weapons proficiency certificate.

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

6 SECTION 1. Section 1701.357(c), Occupations Code, is  
7 amended to read as follows:

8 (c) The agency shall establish written procedures for the  
9 issuance or denial of a certificate of proficiency under this  
10 section. The agency shall issue the certificate to a retired  
11 officer who satisfactorily demonstrates weapons proficiency under  
12 Subsection (b), provides proof that the officer is entitled to  
13 receive a pension or annuity for [~~receiving retirement benefits on~~  
14 ~~the basis of~~] service with a state or local law enforcement agency  
15 or is not entitled to receive a pension or annuity only because the  
16 law enforcement agency that employed the retired officer does not  
17 offer a pension or annuity to its retired employees, and satisfies  
18 the written procedures established by the agency. The agency shall  
19 maintain records of any retired officer who holds a certificate  
20 issued under this section. For purposes of this subsection, proof  
21 that a retired officer is entitled to receive a pension or annuity  
22 or is not entitled to receive a pension or annuity only because the  
23 agency that last employed the retired officer does not offer a  
24 pension or annuity may include a retired peace officer

1 identification card issued under Subchapter H, Chapter 614,  
2 Government Code.

3 SECTION 2. Chapter 614, Government Code, is amended by  
4 adding Subchapter H to read as follows:

5 SUBCHAPTER H. IDENTIFICATION CARDS FOR CERTAIN RETIRED PEACE  
6 OFFICERS

7 Sec. 614.121. DEFINITION. In this subchapter, "honorably  
8 retired peace officer" means a former peace officer who:

9 (1) previously served but is not currently serving as  
10 an elected, appointed, or employed peace officer under Article  
11 2.12, Code of Criminal Procedure, or other law;

12 (2) did not retire in lieu of any disciplinary action;

13 (3) was eligible to retire from a law enforcement  
14 agency in this state or was ineligible to retire only as a result of  
15 an injury received in the course of the officer's employment with  
16 the agency; and

17 (4) is entitled to receive a pension or annuity for  
18 service with a state or local law enforcement agency or is not  
19 entitled to receive a pension or annuity only because the law  
20 enforcement agency that employed the retired officer does not offer  
21 a pension or annuity to its retired employees.

22 Sec. 614.122. ISSUANCE OF IDENTIFICATION CARD. The law  
23 enforcement agency or other governmental entity that was the last  
24 entity to appoint or employ an honorably retired peace officer as a  
25 peace officer shall issue an identification card to its honorably  
26 retired peace officers.

27 Sec. 614.123. APPEARANCE AND CONTENT OF IDENTIFICATION

1 CARD. (a) The identification card must include:

2 (1) the full name of the honorably retired peace  
3 officer;

4 (2) a photograph of the honorably retired peace  
5 officer consistent with the honorably retired peace officer's  
6 appearance;

7 (3) the name of the law enforcement agency or other  
8 governmental entity that issued the card to the honorably retired  
9 peace officer;

10 (4) if applicable, the signature of the person  
11 authorizing the issuance of the card on behalf of the law  
12 enforcement agency or other governmental entity to the honorably  
13 retired peace officer;

14 (5) a brief description of the honorably retired peace  
15 officer, including the honorably retired peace officer's height,  
16 weight, and eye color;

17 (6) the thumbprint of the honorably retired peace  
18 officer;

19 (7) the date the honorably retired peace officer last  
20 served as a peace officer for the law enforcement agency or other  
21 governmental entity; and

22 (8) the date the law enforcement agency or other  
23 governmental entity issued the card to the honorably retired peace  
24 officer.

25 (b) On the identification card, the law enforcement agency  
26 or other governmental entity that issues the card shall print:

27 (1) "State of Texas" and the state seal; and

1           (2) "This identification card certifies that (insert  
2 name of honorably retired peace officer) is an honorably retired  
3 peace officer of (insert name of law enforcement agency or other  
4 governmental entity that last appointed or employed the honorably  
5 retired peace officer)."

6           Sec. 614.124. EXPIRATION DATE. An identification card  
7 issued under this subchapter expires on a date specified by the law  
8 enforcement agency or other governmental entity issuing the card.

9           Sec. 614.125. LOST OR STOLEN CARDS. If an identification  
10 card issued under this subchapter is lost or stolen, the law  
11 enforcement agency or other governmental entity issuing the card  
12 may:

13           (1) require an honorably retired peace officer to  
14 submit an affidavit executed by the officer to the law enforcement  
15 agency or other governmental entity stating that the identification  
16 card was lost or stolen; and

17           (2) issue a duplicate identification card to the  
18 officer.

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

23           (b) The change in law made by this Act to Section  
24 1701.357(c), Occupations Code, applies only to an application for a  
25 weapons proficiency certificate under that section filed on or  
26 after September 1, 2007. An application for a weapons proficiency  
27 certificate under Section 1701.357, Occupations Code, filed before

1 September 1, 2007, is covered by the law in effect on the date the  
2 application was filed, and the former law is continued in effect for  
3 that purpose.

4 SECTION 4. This Act takes effect September 1, 2007.