

AN ACT

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

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

SECTION 1. The heading to Section 1701.357, Occupations Code, is amended to read as follows:

Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS AND FEDERAL LAW ENFORCEMENT OFFICERS [~~CRIMINAL INVESTIGATORS~~].

SECTION 2. Sections 1701.357(a), (c), and (h), Occupations Code, are amended to read as follows:

(a) This section applies only to:

(1) a peace officer; ~~and~~

(2) a federal criminal investigator designated as a special investigator under Article 2.122, Code of Criminal Procedure; and

(3) a qualified retired law enforcement officer who is entitled to carry a concealed firearm under 18 U.S.C. Section 926C and is not otherwise described by Subdivision (1) or (2).

(c) The agency shall establish written procedures for the issuance or denial of a certificate of proficiency under this section. The agency shall issue the certificate to a retired officer who satisfactorily demonstrates weapons proficiency under

1 Subsection (b), provides proof that the officer is entitled to
2 receive a pension or annuity for [~~receiving retirement benefits on~~
3 ~~the basis of~~] service with a state or local law enforcement agency
4 or is not entitled to receive a pension or annuity only because the
5 law enforcement agency that employed the retired officer does not
6 offer a pension or annuity to its retired employees, and satisfies
7 the written procedures established by the agency. The agency shall
8 maintain records of any retired officer who holds a certificate
9 issued under this section. For purposes of this subsection, proof
10 that a retired officer is entitled to receive a pension or annuity
11 or is not entitled to receive a pension or annuity only because the
12 agency that last employed the retired officer does not offer a
13 pension or annuity may include a retired peace officer
14 identification card issued under Subchapter H, Chapter 614,
15 Government Code.

16 (h) The head of a state law enforcement agency may allow an
17 honorably retired federal criminal investigator or a qualified
18 retired law enforcement officer to whom this section applies an
19 opportunity to demonstrate weapons proficiency in the same manner
20 as, and subject to the same requirements applicable to, an
21 honorably retired peace officer as described by this section. The
22 agency shall issue a certificate of proficiency to an honorably
23 retired federal criminal investigator or a qualified retired law
24 enforcement officer who otherwise meets the requirements of this
25 section and shall maintain records regarding the issuance of that
26 certificate.

27 SECTION 3. Chapter 614, Government Code, is amended by

1 adding Subchapter H to read as follows:

2 SUBCHAPTER H. IDENTIFICATION CARDS FOR CERTAIN RETIRED PEACE
3 OFFICERS

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

6 (1) previously served but is not currently serving as
7 an elected, appointed, or employed peace officer under Article
8 2.12, Code of Criminal Procedure, or other law;

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

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

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

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

24 Sec. 614.123. APPEARANCE AND CONTENT OF IDENTIFICATION
25 CARD. (a) The identification card must include:

26 (1) the full name of the honorably retired peace
27 officer;

1 (2) a photograph of the honorably retired peace
2 officer consistent with the honorably retired peace officer's
3 appearance;

4 (3) the name of the law enforcement agency or other
5 governmental entity that issued the card to the honorably retired
6 peace officer;

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

11 (5) a brief description of the honorably retired peace
12 officer, including the honorably retired peace officer's height,
13 weight, and eye color;

14 (6) the thumbprint of the honorably retired peace
15 officer;

16 (7) the date the honorably retired peace officer last
17 served as a peace officer for the law enforcement agency or other
18 governmental entity; and

19 (8) the date the law enforcement agency or other
20 governmental entity issued the card to the honorably retired peace
21 officer.

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

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

25 (2) "This identification card certifies that (insert
26 name of honorably retired peace officer) is an honorably retired
27 peace officer of (insert name of law enforcement agency or other

1 governmental entity that last appointed or employed the honorably
2 retired peace officer)."

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

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

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

14 (2) issue a duplicate identification card to the
15 officer.

16 SECTION 4. (a) Each law enforcement agency or other
17 governmental entity required to issue identification cards under
18 Subchapter H, Chapter 614, Government Code, as added by this Act,
19 shall issue the cards not later than January 1, 2008.

20 (b) The change in law made by this Act to Section
21 1701.357(c), Occupations Code, applies only to an application for a
22 weapons proficiency certificate under that section filed on or
23 after September 1, 2007. An application for a weapons proficiency
24 certificate under Section 1701.357, Occupations Code, filed before
25 September 1, 2007, is covered by the law in effect on the date the
26 application was filed, and the former law is continued in effect for
27 that purpose.

1 SECTION 5. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 638 was passed by the House on April 5, 2007, by the following vote: Yeas 138, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 638 on May 24, 2007, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 638 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor