

1-1 By: Hughes, Flynn (Senate Sponsor - Eltife) H.B. No. 638
1-2 (In the Senate - Received from the House April 10, 2007;
1-3 April 11, 2007, read first time and referred to Committee on
1-4 Criminal Justice; May 18, 2007, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the issuance of identification cards to certain retired
1-9 peace officers and to the eligibility of certain retired peace
1-10 officers to obtain a weapons proficiency certificate.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 1701.357(c), Occupations Code, is
1-13 amended to read as follows:

1-14 (c) The agency shall establish written procedures for the
1-15 issuance or denial of a certificate of proficiency under this
1-16 section. The agency shall issue the certificate to a retired
1-17 officer who satisfactorily demonstrates weapons proficiency under
1-18 Subsection (b), provides proof that the officer is entitled to
1-19 receive a pension or annuity for ~~[receiving retirement benefits on~~
1-20 ~~the basis of]~~ service with a state or local law enforcement agency
1-21 or is not entitled to receive a pension or annuity only because the
1-22 law enforcement agency that employed the retired officer does not
1-23 offer a pension or annuity to its retired employees, and satisfies
1-24 the written procedures established by the agency. The agency shall
1-25 maintain records of any retired officer who holds a certificate
1-26 issued under this section. For purposes of this subsection, proof
1-27 that a retired officer is entitled to receive a pension or annuity
1-28 or is not entitled to receive a pension or annuity only because the
1-29 agency that last employed the retired officer does not offer a
1-30 pension or annuity may include a retired peace officer
1-31 identification card issued under Subchapter H, Chapter 614,
1-32 Government Code.

1-33 SECTION 2. Chapter 614, Government Code, is amended by
1-34 adding Subchapter H to read as follows:

1-35 SUBCHAPTER H. IDENTIFICATION CARDS FOR CERTAIN RETIRED PEACE
1-36 OFFICERS

1-37 Sec. 614.121. DEFINITION. In this subchapter, "honorably
1-38 retired peace officer" means a former peace officer who:

1-39 (1) previously served but is not currently serving as
1-40 an elected, appointed, or employed peace officer under Article
1-41 2.12, Code of Criminal Procedure, or other law;

1-42 (2) did not retire in lieu of any disciplinary action;

1-43 (3) was eligible to retire from a law enforcement
1-44 agency in this state or was ineligible to retire only as a result of
1-45 an injury received in the course of the officer's employment with
1-46 the agency; and

1-47 (4) is entitled to receive a pension or annuity for
1-48 service with a state or local law enforcement agency or is not
1-49 entitled to receive a pension or annuity only because the law
1-50 enforcement agency that employed the retired officer does not offer
1-51 a pension or annuity to its retired employees.

1-52 Sec. 614.122. ISSUANCE OF IDENTIFICATION CARD. The law
1-53 enforcement agency or other governmental entity that was the last
1-54 entity to appoint or employ an honorably retired peace officer as a
1-55 peace officer shall issue an identification card to its honorably
1-56 retired peace officers.

1-57 Sec. 614.123. APPEARANCE AND CONTENT OF IDENTIFICATION
1-58 CARD. (a) The identification card must include:

1-59 (1) the full name of the honorably retired peace
1-60 officer;

1-61 (2) a photograph of the honorably retired peace
1-62 officer consistent with the honorably retired peace officer's
1-63 appearance;

1-64 (3) the name of the law enforcement agency or other

2-1 governmental entity that issued the card to the honorably retired
2-2 peace officer;

2-3 (4) if applicable, the signature of the person
2-4 authorizing the issuance of the card on behalf of the law
2-5 enforcement agency or other governmental entity to the honorably
2-6 retired peace officer;

2-7 (5) a brief description of the honorably retired peace
2-8 officer, including the honorably retired peace officer's height,
2-9 weight, and eye color;

2-10 (6) the thumbprint of the honorably retired peace
2-11 officer;

2-12 (7) the date the honorably retired peace officer last
2-13 served as a peace officer for the law enforcement agency or other
2-14 governmental entity; and

2-15 (8) the date the law enforcement agency or other
2-16 governmental entity issued the card to the honorably retired peace
2-17 officer.

2-18 (b) On the identification card, the law enforcement agency
2-19 or other governmental entity that issues the card shall print:

2-20 (1) "State of Texas" and the state seal; and

2-21 (2) "This identification card certifies that (insert
2-22 name of honorably retired peace officer) is an honorably retired
2-23 peace officer of (insert name of law enforcement agency or other
2-24 governmental entity that last appointed or employed the honorably
2-25 retired peace officer)."

2-26 Sec. 614.124. EXPIRATION DATE. An identification card
2-27 issued under this subchapter expires on a date specified by the law
2-28 enforcement agency or other governmental entity issuing the card.

2-29 Sec. 614.125. LOST OR STOLEN CARDS. If an identification
2-30 card issued under this subchapter is lost or stolen, the law
2-31 enforcement agency or other governmental entity issuing the card
2-32 may:

2-33 (1) require an honorably retired peace officer to
2-34 submit an affidavit executed by the officer to the law enforcement
2-35 agency or other governmental entity stating that the identification
2-36 card was lost or stolen; and

2-37 (2) issue a duplicate identification card to the
2-38 officer.

2-39 SECTION 3. (a) Each law enforcement agency or other
2-40 governmental entity required to issue identification cards under
2-41 Subchapter H, Chapter 614, Government Code, as added by this Act,
2-42 shall issue the cards not later than January 1, 2008.

2-43 (b) The change in law made by this Act to Section
2-44 1701.357(c), Occupations Code, applies only to an application for a
2-45 weapons proficiency certificate under that section filed on or
2-46 after September 1, 2007. An application for a weapons proficiency
2-47 certificate under Section 1701.357, Occupations Code, filed before
2-48 September 1, 2007, is covered by the law in effect on the date the
2-49 application was filed, and the former law is continued in effect for
2-50 that purpose.

2-51 SECTION 4. This Act takes effect September 1, 2007.

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