

By: Bonnen

H.B. No. 702

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a school district to establish a
3 volunteer reserve police force.

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

5 SECTION 1. Subchapter C, Chapter 37, Education Code, is
6 amended by adding Section 37.0811 to read as follows:

7 Sec. 37.0811. RESERVE POLICE FORCE. (a) The board of
8 trustees of a school district that has established a police
9 department may establish a volunteer reserve police force. The
10 board shall establish qualifications and standards of training for
11 members of the reserve force and may limit the size of the reserve
12 force.

13 (b) The chief of the school district police department shall
14 appoint volunteers to serve as reserve police force members.
15 Members are not school district employees and serve without pay and
16 at the chief's discretion. The chief may call the reserve police
17 force into service at any time the chief considers it necessary to
18 have additional officers to preserve the peace and enforce the law.

19 (c) A reserve police force member who is not a peace officer
20 as described by Article 2.12, Code of Criminal Procedure, may act as
21 a peace officer only during the actual discharge of official
22 duties. A reserve force member who is a peace officer under that
23 article must hold a permanent peace officer license issued under
24 Chapter 1701, Occupations Code.

1 (d) The board of trustees must approve an appointment to the
2 reserve police force before the person appointed may carry a weapon
3 or otherwise act as a peace officer. On approval of the appointment
4 of a person who is not a peace officer as described by Article 2.12,
5 Code of Criminal Procedure, the person appointed may not carry a
6 weapon. On approval of the appointment of a person who is a peace
7 officer as described by Article 2.12, Code of Criminal Procedure,
8 the chief of the school district police department may:

9 (1) authorize the person appointed to carry a weapon
10 or act as a peace officer at all times, regardless of whether the
11 person is engaged in the discharge of official duties; or

12 (2) limit the person's authority to carry a weapon or
13 act as a peace officer to only those times during which the person
14 is engaged in the discharge of official duties.

15 (e) Reserve police officers may act only to supplement the
16 district's regular police force and may not assume the full-time
17 duties of regular police officers without complying with the
18 requirements for regular peace officers.

19 (f) A reserve police officer, regardless of whether the
20 officer is a peace officer as described by Article 2.12, Code of
21 Criminal Procedure, is not:

22 (1) eligible for participation in:

23 (A) a program provided by the board of trustees
24 that is normally considered a financial benefit of full-time
25 employment; or

26 (B) a pension fund created by statute for the
27 benefit of full-time paid peace officers; or

1 (2) exempt from Chapter 1702, Occupations Code, unless
2 the reserve police officer is exempt from Chapter 1702 without
3 regard to the officer's membership in the reserve police force.

4 (g) After being appointed under this section, a reserve
5 police officer must take and file the oath required of peace
6 officers and shall execute and file a bond in the amount of \$1,000,
7 payable to the board of trustees, with two or more sureties,
8 conditioned that the reserve police officer will fairly,
9 impartially, and faithfully perform all the duties that may be
10 required of the officer by law. The bond may be sued on in the name
11 of any injured person until the whole amount of the bond is
12 recovered. The reserve police officer may not perform any duties
13 under this section until the officer files the oath and bond with
14 the board of trustees.

15 SECTION 2. Article 2.12, Code of Criminal Procedure, is
16 amended to read as follows:

17 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
18 officers:

19 (1) sheriffs, their deputies, and those reserve
20 deputies who hold a permanent peace officer license issued under
21 Chapter 1701, Occupations Code;

22 (2) constables, deputy constables, and those reserve
23 deputy constables who hold a permanent peace officer license issued
24 under Chapter 1701, Occupations Code;

25 (3) marshals or police officers of an incorporated
26 city, town, or village, and those reserve municipal police officers
27 who hold a permanent peace officer license issued under Chapter

1 1701, Occupations Code;

2 (4) rangers and officers commissioned by the Public
3 Safety Commission and the Director of the Department of Public
4 Safety;

5 (5) investigators of the district attorneys', criminal
6 district attorneys', and county attorneys' offices;

7 (6) law enforcement agents of the Texas Alcoholic
8 Beverage Commission;

9 (7) each member of an arson investigating unit
10 commissioned by a city, a county, or the state;

11 (8) officers commissioned under Section 37.081,
12 Education Code, or Subchapter E, Chapter 51, Education Code, and
13 reserve police officers appointed under Section 37.0811, Education
14 Code, who hold a permanent peace officer license issued under
15 Chapter 1701, Occupation Code;

16 (9) officers commissioned by the Texas Building and
17 Procurement [~~General Services~~] Commission;

18 (10) law enforcement officers commissioned by the
19 Parks and Wildlife Commission;

20 (11) airport police officers commissioned by a city
21 with a population of more than 1.18 million that operates an airport
22 that serves commercial air carriers;

23 (12) airport security personnel commissioned as peace
24 officers by the governing body of any political subdivision of this
25 state, other than a city described by Subdivision (11), that
26 operates an airport that serves commercial air carriers;

27 (13) municipal park and recreational patrolmen and

1 security officers;

2 (14) security officers and investigators commissioned
3 as peace officers by the comptroller;

4 (15) officers commissioned by a water control and
5 improvement district under Section 49.216, Water Code;

6 (16) officers commissioned by a board of trustees
7 under Chapter 54, Transportation Code;

8 (17) investigators commissioned by the Texas Medical
9 [~~State~~] Board [~~of Medical Examiners~~];

10 (18) officers commissioned by the board of managers of
11 the Dallas County Hospital District, the Tarrant County Hospital
12 District, or the Bexar County Hospital District under Section
13 281.057, Health and Safety Code;

14 (19) county park rangers commissioned under
15 Subchapter E, Chapter 351, Local Government Code;

16 (20) investigators employed by the Texas Racing
17 Commission;

18 (21) officers commissioned under Chapter 554,
19 Occupations Code;

20 (22) officers commissioned by the governing body of a
21 metropolitan rapid transit authority under Section 451.108,
22 Transportation Code, or by a regional transportation authority
23 under Section 452.110, Transportation Code;

24 (23) investigators commissioned by the attorney
25 general under Section 402.009, Government Code;

26 (24) security officers and investigators commissioned
27 as peace officers under Chapter 466, Government Code;

1 (25) an officer employed by the [~~Texas~~] Department of
2 State Health Services under Section 431.2471, Health and Safety
3 Code;

4 (26) officers appointed by an appellate court under
5 Subchapter F, Chapter 53, Government Code;

6 (27) officers commissioned by the state fire marshal
7 under Chapter 417, Government Code;

8 (28) an investigator commissioned by the commissioner
9 of insurance under Section 701.104 [~~Article 1.10D~~], Insurance Code;

10 (29) apprehension specialists commissioned by the
11 Texas Youth Commission as officers under Section 61.0931, Human
12 Resources Code;

13 (30) officers appointed by the executive director of
14 the Texas Department of Criminal Justice under Section 493.019,
15 Government Code;

16 (31) investigators commissioned by the Commission on
17 Law Enforcement Officer Standards and Education under Section
18 1701.160, Occupations Code;

19 (32) commission investigators commissioned by the
20 Texas [~~Commission on~~] Private Security Board under Section
21 1702.061(f), Occupations Code;

22 (33) the fire marshal and any officers, inspectors, or
23 investigators commissioned by an emergency services district under
24 Chapter 775, Health and Safety Code; and

25 (34) officers commissioned by the State Board of
26 Dental Examiners under Section 254.013, Occupations Code, subject
27 to the limitations imposed by that section.

1 SECTION 3. Section 1701.001(6), Occupations Code, is
2 amended to read as follows:

3 (6) "Reserve law enforcement officer" means a person
4 designated as a reserve law enforcement officer under Section
5 85.004, 86.012, or 341.012, Local Government Code, Section 37.0811,
6 Education Code, or Section 60.0775, Water Code.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2007.