

AN ACT

relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education.

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

SECTION 1. Section 1701.159, Occupations Code, is amended to read as follows:

Sec. 1701.159. [~~LIST OF~~] ACTIVE AND INACTIVE PEACE OFFICERS. (a) The commission [~~by rule~~] shall establish a list of active licensed peace officers and a list of inactive licensed peace officers who leave the employment of a law enforcement agency.

(b) A retired peace officer as defined by Section 1701.3161 continues to hold as an inactive license the license the retired officer held at the time the retired officer last served as an elected, appointed, or employed peace officer unless the license was revoked for cause under Section 1701.501.

(c) A retired peace officer who holds an inactive license may not serve as a peace officer unless the person reactivates the license as provided by Section 1701.316 or 1701.3161.

SECTION 2. Section 1701.307, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The commission may issue a permanent license to a person who meets the requirements of this chapter and the rules prescribed

1 by the commission to serve as an officer [~~and may issue a temporary~~
2 ~~or permanent license to a person to serve as a county jailer~~].

3 (c) The commission may issue a temporary or permanent
4 license to a person to serve as a county jailer.

5 SECTION 3. Subchapter G, Chapter 1701, Occupations Code, is
6 amended by adding Section 1701.3161 to read as follows:

7 Sec. 1701.3161. REACTIVATION OF PEACE OFFICER LICENSE:
8 RETIRED PEACE OFFICERS. (a) In this section, "retired peace
9 officer" means a person who served as a peace officer in this state
10 who:

11 (1) is not currently serving as an elected, appointed,
12 or employed peace officer under Article 2.12, Code of Criminal
13 Procedure, or other law;

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

18 (3) is eligible to receive a pension or annuity for
19 service as a law enforcement officer in this state or is ineligible
20 to receive a pension or annuity only because the law enforcement
21 agency that employed the officer does not offer a pension or annuity
22 to its employees.

23 (b) The commission shall adopt rules for the reactivation of
24 a retired peace officer's license after a break in employment. The
25 rules must allow a retired peace officer to reactivate the
26 officer's license by completing the continuing education
27 requirements prescribed by Section 1701.351 and completing any

1 other continuing education requirement imposed by law in lieu of
2 successfully completing any examination required by the commission
3 for reactivation.

4 (c) The commission may waive the reinstatement fee
5 established for the reactivation of a peace officer's license for a
6 retired peace officer who is eligible for reactivation as provided
7 by Subsection (b).

8 SECTION 4. As soon as practicable after the effective date
9 of this Act, the Commission on Law Enforcement Officer Standards
10 and Education shall adopt the rules required by Section 1701.3161,
11 Occupations Code, as added by this Act.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1955 was passed by the House on April 27, 2007, by the following vote: Yeas 133, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1955 on May 23, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1955 was passed by the Senate, with amendments, on May 21, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor