

1-1 By: Elkins (Senate Sponsor - Hegar) H.B. No. 1955
1-2 (In the Senate - Received from the House April 30, 2007;
1-3 May 2, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 17, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 17, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1955 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the licensing of certain peace officers by the
1-11 Commission on Law Enforcement Officer Standards and Education.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 1701.159, Occupations Code, is amended
1-14 to read as follows:

1-15 Sec. 1701.159. ~~[LIST OF]~~ ACTIVE AND INACTIVE PEACE
1-16 OFFICERS. (a) The commission ~~[by rule]~~ shall establish a list of
1-17 active licensed peace officers and a list of inactive licensed
1-18 peace officers who leave the employment of a law enforcement
1-19 agency.

1-20 (b) A retired peace officer as defined by Section 1701.3161
1-21 continues to hold as an inactive license the license the retired
1-22 officer held at the time the retired officer last served as an
1-23 elected, appointed, or employed peace officer unless the license
1-24 was revoked for cause under Section 1701.501.

1-25 (c) A retired peace officer who holds an inactive license
1-26 may not serve as a peace officer unless the person reactivates the
1-27 license as provided by Section 1701.316 or 1701.3161.

1-28 SECTION 2. Section 1701.307, Occupations Code, is amended
1-29 by amending Subsection (b) and adding Subsection (c) to read as
1-30 follows:

1-31 (b) The commission may issue a permanent license to a person
1-32 who meets the requirements of this chapter and the rules prescribed
1-33 by the commission to serve as an officer ~~[and may issue a temporary~~
1-34 ~~or permanent license to a person to serve as a county jailer].~~

1-35 (c) The commission may issue a temporary or permanent
1-36 license to a person to serve as a county jailer.

1-37 SECTION 3. Subchapter G, Chapter 1701, Occupations Code, is
1-38 amended by adding Section 1701.3161 to read as follows:

1-39 Sec. 1701.3161. REACTIVATION OF PEACE OFFICER LICENSE:
1-40 RETIRED PEACE OFFICERS. (a) In this section, "retired peace
1-41 officer" means a person who served as a peace officer in this state
1-42 who:

1-43 (1) is not currently serving as an elected, appointed,
1-44 or employed peace officer under Article 2.12, Code of Criminal
1-45 Procedure, or other law;

1-46 (2) was eligible to retire from a law enforcement
1-47 agency in this state or was ineligible to retire only as a result of
1-48 an injury received in the course of the officer's employment with
1-49 the law enforcement agency; and

1-50 (3) is eligible to receive a pension or annuity for
1-51 service as a law enforcement officer in this state or is ineligible
1-52 to receive a pension or annuity only because the law enforcement
1-53 agency that employed the officer does not offer a pension or annuity
1-54 to its employees.

1-55 (b) The commission shall adopt rules for the reactivation of
1-56 a retired peace officer's license after a break in employment. The
1-57 rules must allow a retired peace officer to reactivate the
1-58 officer's license by completing the continuing education
1-59 requirements prescribed by Section 1701.351 and completing any
1-60 other continuing education requirement imposed by law in lieu of
1-61 successfully completing any examination required by the commission
1-62 for reactivation.

1-63 (c) The commission may waive the reinstatement fee

2-1 established for the reactivation of a peace officer's license for a
2-2 retired peace officer who is eligible for reactivation as provided
2-3 by Subsection (b).

2-4 SECTION 4. As soon as practicable after the effective date
2-5 of this Act, the Commission on Law Enforcement Officer Standards
2-6 and Education shall adopt the rules required by Section 1701.3161,
2-7 Occupations Code, as added by this Act.

2-8 SECTION 5. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2007.

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