

AN ACT

relating to identification cards issued to peace officers, reserve law enforcement officers, and honorably retired peace officers by a law enforcement agency or other governmental entity.

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

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

SUBCHAPTER H. PEACE OFFICER IDENTIFICATION CARDS

Sec. 614.121. DEFINITIONS. In this subchapter:

(1) "Full-time peace officer" means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure, or other law, who:

(A) works as a peace officer on average at least 32 hours per week, exclusive of paid vacation; and

(B) is compensated by this state or a political subdivision of this state at least at the federal minimum wage and is entitled to all employee benefits offered to a peace officer by the state or political subdivision.

(2) "Honorably retired peace officer" means a former peace officer who:

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

(B) did not retire in lieu of any disciplinary

1 action;

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

6 (D) is eligible to receive a pension or annuity
7 for service as a law enforcement officer in this state or is
8 ineligible to receive a pension or annuity only because the law
9 enforcement agency that employed the officer does not offer a
10 pension or annuity to its employees.

11 (3) "Part-time peace officer" means a person elected,
12 employed, or appointed as a peace officer under Article 2.12, Code
13 of Criminal Procedure, or other law, who:

14 (A) works as a peace officer on average less than
15 32 hours per week, exclusive of paid vacation; and

16 (B) is compensated by this state or a political
17 subdivision of this state at least at the federal minimum wage and
18 is entitled to all employee benefits offered to a peace officer by
19 the state or political subdivision.

20 (4) "Reserve law enforcement officer" has the meaning
21 assigned by Section 1701.001, Occupations Code.

22 Sec. 614.122. PEACE OFFICERS. (a) The law enforcement
23 agency or other governmental entity that appoints or employs a
24 peace officer shall issue an identification card to its full-time
25 or part-time peace officers.

26 (b) The identification card must include:

27 (1) the full name of the peace officer;

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

3 (3) the name of the law enforcement agency or other
4 governmental entity that appointed or employs the peace officer or
5 that the peace officer was elected to serve;

6 (4) if applicable, the signature of the person
7 appointing or employing the person as a peace officer on behalf of
8 the law enforcement agency or other governmental entity;

9 (5) a brief description of the peace officer,
10 including the peace officer's height, weight, and eye color;

11 (6) the thumbprint of the peace officer or a bar code
12 with a unique identification label for the peace officer;

13 (7) the date the law enforcement agency or other
14 governmental entity appointed or employed the peace officer;

15 (8) the date the law enforcement agency or other
16 governmental entity issued the card to the peace officer; and

17 (9) a phone number operational 24 hours a day, seven
18 days a week that a person may call to verify the validity of the
19 identification card.

20 (c) On the identification card, the law enforcement agency
21 or other governmental entity that issues the card shall print:

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

23 (2) "This identification card certifies that (insert
24 name of peace officer) is commissioned by (insert name of law
25 enforcement agency or other governmental entity that appoints or
26 employs the peace officer) as a (insert "full-time peace officer"
27 or "part-time peace officer")."

1 (d) The head of a law enforcement agency or other
2 governmental entity that appoints or employs a peace officer shall
3 recover the identification card at the time of the peace officer's
4 resignation or termination.

5 Sec. 614.123. RESERVE LAW ENFORCEMENT OFFICER. (a) The law
6 enforcement agency or other governmental entity that appoints or
7 employs a reserve law enforcement officer shall issue an
8 identification card to its reserve law enforcement officers.

9 (b) The identification card must include:

10 (1) the full name of the reserve law enforcement
11 officer;

12 (2) a photograph of the reserve law enforcement
13 officer consistent with the reserve law enforcement officer's
14 appearance;

15 (3) the name of the law enforcement agency or other
16 governmental entity that appointed or employs the reserve law
17 enforcement officer;

18 (4) if applicable, the signature of the person
19 appointing or employing the person as a reserve law enforcement
20 officer on behalf of the law enforcement agency or other
21 governmental entity;

22 (5) a brief description of the reserve law enforcement
23 officer, including the reserve law enforcement officer's height,
24 weight, and eye color;

25 (6) the thumbprint of the reserve law enforcement
26 officer or a bar code with a unique identification label for the
27 reserve law enforcement officer;

1 (7) the date the law enforcement agency or other
2 governmental entity appointed or employed the reserve law
3 enforcement officer;

4 (8) the date the law enforcement agency or other
5 governmental entity issued the card to the reserve law enforcement
6 officer; and

7 (9) a phone number operational 24 hours a day, seven
8 days a week that a person may call to verify the validity of the
9 identification card.

10 (c) On the identification card, the law enforcement agency
11 or other governmental entity that issues the card shall print:

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

13 (2) "This identification card certifies that (insert
14 name of reserve law enforcement officer) is commissioned by (insert
15 name of law enforcement agency or other governmental entity that
16 appoints or employs the reserve law enforcement officer) as a
17 reserve law enforcement officer."

18 (d) The head of a law enforcement agency or other
19 governmental entity that appoints or employs a reserve law
20 enforcement officer shall recover the identification card at the
21 time of the reserve law enforcement officer's resignation or
22 termination.

23 Sec. 614.124. HONORABLY RETIRED PEACE OFFICER. (a) The law
24 enforcement agency or other governmental entity that was the last
25 entity to appoint or employ an honorably retired peace officer as a
26 peace officer may issue an identification card to its honorably
27 retired peace officers.

1 (b) The identification card must include:

2 (1) the full name of the honorably retired peace
3 officer;

4 (2) a photograph of the honorably retired peace
5 officer consistent with the honorably retired peace officer's
6 appearance;

7 (3) the name of the law enforcement agency or other
8 governmental entity that issued the card to the honorably retired
9 peace officer;

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

14 (5) a brief description of the honorably retired peace
15 officer, including the honorably retired peace officer's height,
16 weight, and eye color;

17 (6) the thumbprint of the honorably retired peace
18 officer or a bar code with a unique identification label for the
19 honorably retired peace officer;

20 (7) the date the honorably retired peace officer last
21 served as a peace officer for the law enforcement agency or other
22 governmental entity;

23 (8) the date the law enforcement agency or other
24 governmental entity issued the card to the honorably retired peace
25 officer; and

26 (9) a phone number operational 24 hours a day, seven
27 days a week that a person may call to verify the validity of the

1 identification card.

2 (c) On the identification card, the law enforcement agency
3 or other governmental entity that issues the card shall print:

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

5 (2) "This identification card certifies that (insert
6 name of honorably retired peace officer) is an honorably retired
7 peace officer of (insert name of law enforcement agency or other
8 governmental entity that last appointed or employed the honorably
9 retired peace officer)."

10 (d) The head of a law enforcement agency or other
11 governmental entity that issued the identification card shall
12 recover the identification card on the date the identification card
13 expires.

14 Sec. 614.125. EXPIRATION DATE. An identification card
15 issued under this subchapter expires on a date specified by the law
16 enforcement agency or other governmental entity issuing the card.

17 Sec. 614.126. TAMPER-PROOF CARDS. An identification card
18 issued under this subchapter must be, to the extent practicable,
19 tamper-proof.

20 Sec. 614.127. LOST OR STOLEN CARDS. If an identification
21 card issued under this subchapter is lost or stolen, the law
22 enforcement agency or other governmental entity issuing the card
23 may:

24 (1) require a peace officer, reserve law enforcement
25 officer, or honorably retired peace officer to submit an affidavit
26 executed by the peace officer, reserve law enforcement officer, or
27 honorably retired peace officer to the law enforcement agency or

1 other governmental entity issuing the card stating that the
2 identification card was lost or stolen; and

3 (2) issue a duplicate identification card to the peace
4 officer, reserve law enforcement officer, or honorably retired
5 peace officer.

6 SECTION 2. (a) Except as provided by Subsection (b) of this
7 section, each law enforcement agency or other governmental entity
8 required to issue identification cards under Subchapter H, Chapter
9 614, Government Code, as added by this Act, shall issue the cards
10 not later than January 1, 2008.

11 (b) Each law enforcement agency that appoints or employs in
12 the aggregate at least 1,000 full-time or part-time peace officers
13 and reserve law enforcement officers shall issue the cards not
14 later than January 1, 2010.

15 SECTION 3. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 3613 was passed by the House on May 8, 2007, by the following vote: Yeas 146, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3613 on May 25, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3613 on May 27, 2007, by the following vote: Yeas 147, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 3613

I certify that H.B. No. 3613 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3613 on May 26, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor