

By: Latham

H.B. No. 3613

A BILL TO BE ENTITLED

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. (a) 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;

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

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

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

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

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

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

27 (d) The head of a law enforcement agency or other

1 governmental entity that appoints or employs a peace officer shall
2 recover the identification card at the time of the peace officer's
3 resignation or termination.

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

8 (b) The identification card must include:

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

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

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

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

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

24 (6) the thumbprint of the reserve law enforcement
25 officer;

26 (7) the date the law enforcement agency or other
27 governmental entity appointed or employed the reserve law

1 enforcement officer;

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

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

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

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

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

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

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

26 (b) The identification card must include:

27 (1) the full name of the honorably retired peace

1 officer;

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

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

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

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

15 (6) the thumbprint of the honorably retired peace
16 officer;

17 (7) the date the honorably retired peace officer last
18 served as a peace officer for the law enforcement agency or other
19 governmental entity;

20 (8) the date the law enforcement agency or other
21 governmental entity issued the card to the honorably retired peace
22 officer; and

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

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

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

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

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

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

14 Sec. 614.126. TAMPER-PROOF CARDS. An identification card
15 issued under this subchapter must be, to the extent practicable,
16 tamper-proof.

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

21 (1) require a peace officer, reserve law enforcement
22 officer, or honorably retired peace officer to submit an affidavit
23 executed by the peace officer, reserve law enforcement officer, or
24 honorably retired peace officer to the law enforcement agency or
25 other governmental entity issuing the card stating that the
26 identification card was lost or stolen; and

27 (2) issue a duplicate identification card to the peace

1 officer, reserve law enforcement officer, or honorably retired
2 peace officer.

3 SECTION 2. Each law enforcement agency or other
4 governmental entity required to issue identification cards under
5 Subchapter H, Chapter 614, Government Code, as added by this Act,
6 shall issue the cards not later than January 1, 2008.

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