

1-1 By: Latham (Senate Sponsor - Deuell) H.B. No. 3613
1-2 (In the Senate - Received from the House May 9, 2007;
1-3 May 10, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 21, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3613 By: Whitmire

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

1-10 relating to identification cards issued to peace officers, reserve
1-11 law enforcement officers, honorably retired peace officers, and
1-12 port pilots by certain governmental entities.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 614, Government Code, is amended by
1-15 adding Subchapter H to read as follows:

1-16 SUBCHAPTER H. PEACE OFFICER IDENTIFICATION CARDS

1-17 Sec. 614.121. DEFINITIONS. In this subchapter:

1-18 (1) "Full-time peace officer" means a person elected,
1-19 employed, or appointed as a peace officer under Article 2.12, Code
1-20 of Criminal Procedure, or other law, who:

1-21 (A) works as a peace officer on average at least
1-22 32 hours per week, exclusive of paid vacation; and

1-23 (B) is compensated by this state or a political
1-24 subdivision of this state at least at the federal minimum wage and
1-25 is entitled to all employee benefits offered to a peace officer by
1-26 the state or political subdivision.

1-27 (2) "Honorably retired peace officer" means a former
1-28 peace officer who:

1-29 (A) previously served but is not currently
1-30 serving as an elected, appointed, or employed peace officer under
1-31 Article 2.12, Code of Criminal Procedure, or other law;

1-32 (B) did not retire in lieu of any disciplinary
1-33 action;

1-34 (C) was eligible to retire from a law enforcement
1-35 agency in this state or was ineligible to retire only as a result of
1-36 an injury received in the course of the officer's employment with
1-37 the agency; and

1-38 (D) is eligible to receive a pension or annuity
1-39 for service as a law enforcement officer in this state or is
1-40 ineligible to receive a pension or annuity only because the law
1-41 enforcement agency that employed the officer does not offer a
1-42 pension or annuity to its employees.

1-43 (3) "Part-time peace officer" means a person elected,
1-44 employed, or appointed as a peace officer under Article 2.12, Code
1-45 of Criminal Procedure, or other law, who:

1-46 (A) works as a peace officer on average less than
1-47 32 hours per week, exclusive of paid vacation; and

1-48 (B) is compensated by this state or a political
1-49 subdivision of this state at least at the federal minimum wage and
1-50 is entitled to all employee benefits offered to a peace officer by
1-51 the state or political subdivision.

1-52 (4) "Reserve law enforcement officer" has the meaning
1-53 assigned by Section 1701.001, Occupations Code.

1-54 Sec. 614.122. PEACE OFFICERS. (a) The law enforcement
1-55 agency or other governmental entity that appoints or employs a
1-56 peace officer shall issue an identification card to its full-time
1-57 or part-time peace officers.

1-58 (b) The identification card must include:

1-59 (1) the full name of the peace officer;

1-60 (2) a photograph of the peace officer consistent with
1-61 the peace officer's appearance;

1-62 (3) the name of the law enforcement agency or other
1-63 governmental entity that appointed or employs the peace officer or

2-1 that the peace officer was elected to serve;

2-2 (4) if applicable, the signature of the person
2-3 appointing or employing the person as a peace officer on behalf of
2-4 the law enforcement agency or other governmental entity;

2-5 (5) a brief description of the peace officer,
2-6 including the peace officer's height, weight, and eye color;

2-7 (6) the thumbprint of the peace officer or a bar code
2-8 with a unique identification label for the peace officer;

2-9 (7) the date the law enforcement agency or other
2-10 governmental entity appointed or employed the peace officer;

2-11 (8) the date the law enforcement agency or other
2-12 governmental entity issued the card to the peace officer; and

2-13 (9) a phone number operational 24 hours a day, seven
2-14 days a week that a person may call to verify the validity of the
2-15 identification card.

2-16 (c) On the identification card, the law enforcement agency
2-17 or other governmental entity that issues the card shall print:

2-18 (1) "State of Texas" and the state seal; and

2-19 (2) "This identification card certifies that (insert
2-20 name of peace officer) is commissioned by (insert name of law
2-21 enforcement agency or other governmental entity that appoints or
2-22 employs the peace officer) as a (insert "full-time peace officer"
2-23 or "part-time peace officer")."

2-24 (d) The head of a law enforcement agency or other
2-25 governmental entity that appoints or employs a peace officer shall
2-26 recover the identification card at the time of the peace officer's
2-27 resignation or termination.

2-28 Sec. 614.123. RESERVE LAW ENFORCEMENT OFFICER. (a) The law
2-29 enforcement agency or other governmental entity that appoints or
2-30 employs a reserve law enforcement officer shall issue an
2-31 identification card to its reserve law enforcement officers.

2-32 (b) The identification card must include:

2-33 (1) the full name of the reserve law enforcement
2-34 officer;

2-35 (2) a photograph of the reserve law enforcement
2-36 officer consistent with the reserve law enforcement officer's
2-37 appearance;

2-38 (3) the name of the law enforcement agency or other
2-39 governmental entity that appointed or employs the reserve law
2-40 enforcement officer;

2-41 (4) if applicable, the signature of the person
2-42 appointing or employing the person as a reserve law enforcement
2-43 officer on behalf of the law enforcement agency or other
2-44 governmental entity;

2-45 (5) a brief description of the reserve law enforcement
2-46 officer, including the reserve law enforcement officer's height,
2-47 weight, and eye color;

2-48 (6) the thumbprint of the reserve law enforcement
2-49 officer or a bar code with a unique identification label for the
2-50 reserve law enforcement officer;

2-51 (7) the date the law enforcement agency or other
2-52 governmental entity appointed or employed the reserve law
2-53 enforcement officer;

2-54 (8) the date the law enforcement agency or other
2-55 governmental entity issued the card to the reserve law enforcement
2-56 officer; and

2-57 (9) a phone number operational 24 hours a day, seven
2-58 days a week that a person may call to verify the validity of the
2-59 identification card.

2-60 (c) On the identification card, the law enforcement agency
2-61 or other governmental entity that issues the card shall print:

2-62 (1) "State of Texas" and the state seal; and

2-63 (2) "This identification card certifies that (insert
2-64 name of reserve law enforcement officer) is commissioned by (insert
2-65 name of law enforcement agency or other governmental entity that
2-66 appoints or employs the reserve law enforcement officer) as a
2-67 reserve law enforcement officer."

2-68 (d) The head of a law enforcement agency or other
2-69 governmental entity that appoints or employs a reserve law

3-1 enforcement officer shall recover the identification card at the
 3-2 time of the reserve law enforcement officer's resignation or
 3-3 termination.

3-4 Sec. 614.124. HONORABLY RETIRED PEACE OFFICER. (a) The law
 3-5 enforcement agency or other governmental entity that was the last
 3-6 entity to appoint or employ an honorably retired peace officer as a
 3-7 peace officer may issue an identification card to its honorably
 3-8 retired peace officers.

3-9 (b) The identification card must include:

3-10 (1) the full name of the honorably retired peace
 3-11 officer;

3-12 (2) a photograph of the honorably retired peace
 3-13 officer consistent with the honorably retired peace officer's
 3-14 appearance;

3-15 (3) the name of the law enforcement agency or other
 3-16 governmental entity that issued the card to the honorably retired
 3-17 peace officer;

3-18 (4) if applicable, the signature of the person
 3-19 authorizing the issuance of the card on behalf of the law
 3-20 enforcement agency or other governmental entity to the honorably
 3-21 retired peace officer;

3-22 (5) a brief description of the honorably retired peace
 3-23 officer, including the honorably retired peace officer's height,
 3-24 weight, and eye color;

3-25 (6) the thumbprint of the honorably retired peace
 3-26 officer or a bar code with a unique identification label for the
 3-27 honorably retired peace officer;

3-28 (7) the date the honorably retired peace officer last
 3-29 served as a peace officer for the law enforcement agency or other
 3-30 governmental entity;

3-31 (8) the date the law enforcement agency or other
 3-32 governmental entity issued the card to the honorably retired peace
 3-33 officer; and

3-34 (9) a phone number operational 24 hours a day, seven
 3-35 days a week that a person may call to verify the validity of the
 3-36 identification card.

3-37 (c) On the identification card, the law enforcement agency
 3-38 or other governmental entity that issues the card shall print:

3-39 (1) "State of Texas" and the state seal; and

3-40 (2) "This identification card certifies that (insert
 3-41 name of honorably retired peace officer) is an honorably retired
 3-42 peace officer of (insert name of law enforcement agency or other
 3-43 governmental entity that last appointed or employed the honorably
 3-44 retired peace officer)."

3-45 (d) The head of a law enforcement agency or other
 3-46 governmental entity that issued the identification card shall
 3-47 recover the identification card on the date the identification card
 3-48 expires.

3-49 Sec. 614.125. EXPIRATION DATE. An identification card
 3-50 issued under this subchapter expires on a date specified by the law
 3-51 enforcement agency or other governmental entity issuing the card.

3-52 Sec. 614.126. TAMPER-PROOF CARDS. An identification card
 3-53 issued under this subchapter must be, to the extent practicable,
 3-54 tamper-proof.

3-55 Sec. 614.127. LOST OR STOLEN CARDS. If an identification
 3-56 card issued under this subchapter is lost or stolen, the law
 3-57 enforcement agency or other governmental entity issuing the card
 3-58 may:

3-59 (1) require a peace officer, reserve law enforcement
 3-60 officer, or honorably retired peace officer to submit an affidavit
 3-61 executed by the peace officer, reserve law enforcement officer, or
 3-62 honorably retired peace officer to the law enforcement agency or
 3-63 other governmental entity issuing the card stating that the
 3-64 identification card was lost or stolen; and

3-65 (2) issue a duplicate identification card to the peace
 3-66 officer, reserve law enforcement officer, or honorably retired
 3-67 peace officer.

3-68 SECTION 2. Chapter 62, Transportation Code, is amended by
 3-69 adding Subchapter E to read as follows:

SUBCHAPTER E. IDENTIFICATION CARDS

Sec. 62.101. PILOT IDENTIFICATION CARD. (a) The pilot board of a navigation district may issue an identification card to its branch and deputy pilots.

(b) The identification card must include:

(1) the full name of the pilot;

(2) a photograph of the pilot consistent with the pilot's appearance;

(3) the name of the pilot board of the navigation district that appointed the pilot;

(4) if applicable, the signature of the person appointing the person as a pilot on behalf of the pilot board of the navigation district;

(5) a brief description of the pilot, including the pilot's height, weight, and eye color;

(6) the thumbprint of the pilot or a bar code with a unique identification label for the pilot;

(7) the date the pilot board of the navigation district appointed the pilot;

(8) the date the pilot board of the navigation district issued the card to the pilot; and

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

(c) On the identification card, the pilot board of the navigation district that issues the card shall print:

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

(2) "This identification card certifies that (insert name of pilot) is appointed by (insert name of pilot board of the navigation district that appoints the pilot) as a (insert "branch pilot" or "deputy pilot")."

(d) The head of a pilot board of the navigation district that appoints a pilot shall recover the identification card at the time of the pilot's suspension or dismissal.

Sec. 62.102. EXPIRATION DATE. An identification card issued under this subchapter expires on a date specified by the pilot board of the navigation district issuing the card.

Sec. 62.103. TAMPER-PROOF CARDS. An identification card issued under this subchapter must be, to the extent practicable, tamper-proof.

Sec. 62.104. LOST OR STOLEN CARDS. If an identification card issued under this subchapter is lost or stolen, the pilot board of the navigation district issuing the card may:

(1) require a pilot to submit an affidavit executed by the pilot to the pilot board of the navigation district issuing the card stating that the identification card was lost or stolen; and

(2) issue a duplicate identification card to the pilot.

SECTION 3. (a) Except as provided by Subsection (b) of this section, each law enforcement agency or other governmental entity required to issue identification cards under Subchapter H, Chapter 614, Government Code, as added by this Act, shall issue the cards not later than January 1, 2008.

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

SECTION 4. This Act takes effect September 1, 2007.

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