

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Hughes, Flynn

H.B. No. 638

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the issuance of identification cards to certain retired  
3 peace officers and to the eligibility of certain retired peace  
4 officers to obtain a weapons proficiency certificate.

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

6 SECTION 1. Section 1701.357(c), Occupations Code, is  
7 amended to read as follows:

8 (c) The agency shall establish written procedures for the  
9 issuance or denial of a certificate of proficiency under this  
10 section. The agency shall issue the certificate to a retired  
11 officer who satisfactorily demonstrates weapons proficiency under  
12 Subsection (b), provides proof that the officer is entitled to  
13 receive a pension or annuity for [~~receiving retirement benefits on~~  
14 ~~the basis of~~] service with a state or local law enforcement agency  
15 or is not entitled to receive a pension or annuity only because the  
16 law enforcement agency that employed the retired officer does not  
17 offer a pension or annuity to its retired employees, and satisfies  
18 the written procedures established by the agency. The agency shall  
19 maintain records of any retired officer who holds a certificate  
20 issued under this section. For purposes of this subsection, proof  
21 that a retired officer is entitled to receive a pension or annuity  
22 or is not entitled to receive a pension or annuity only because the  
23 agency that last employed the retired officer does not offer a  
24 pension or annuity may include a retired peace officer

1 identification card issued under Subchapter H, Chapter 614,  
2 Government Code.

3 SECTION 2. Chapter 614, Government Code, is amended by  
4 adding Subchapter H to read as follows:

5 SUBCHAPTER H. IDENTIFICATION CARDS FOR CERTAIN RETIRED PEACE  
6 OFFICERS

7 Sec. 614.121. DEFINITION. In this subchapter, "honorably  
8 retired peace officer" means a former peace officer who:

9 (1) previously served but is not currently serving as  
10 an elected, appointed, or employed peace officer under Article  
11 2.12, Code of Criminal Procedure, or other law;

12 (2) did not retire in lieu of any disciplinary action;

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

17 (4) is entitled to receive a pension or annuity for  
18 service with a state or local law enforcement agency or is not  
19 entitled to receive a pension or annuity only because the law  
20 enforcement agency that employed the retired officer does not offer  
21 a pension or annuity to its retired employees.

22 Sec. 614.122. ISSUANCE OF IDENTIFICATION CARD. The law  
23 enforcement agency or other governmental entity that was the last  
24 entity to appoint or employ an honorably retired peace officer as a  
25 peace officer shall issue an identification card to its honorably  
26 retired peace officers.

27 Sec. 614.123. APPEARANCE AND CONTENT OF IDENTIFICATION

1 CARD. (a) 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;

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

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

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

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

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

6           Sec. 614.124. EXPIRATION DATE. An identification card  
7 issued under this subchapter expires on a date specified by the law  
8 enforcement agency or other governmental entity issuing the card.

9           Sec. 614.125. LOST OR STOLEN CARDS. If an identification  
10 card issued under this subchapter is lost or stolen, the law  
11 enforcement agency or other governmental entity issuing the card  
12 may:

13           (1) require an honorably retired peace officer to  
14 submit an affidavit executed by the officer to the law enforcement  
15 agency or other governmental entity stating that the identification  
16 card was lost or stolen; and

17           (2) issue a duplicate identification card to the  
18 officer.

19           SECTION 3. (a) Each law enforcement agency or other  
20 governmental entity required to issue identification cards under  
21 Subchapter H, Chapter 614, Government Code, as added by this Act,  
22 shall issue the cards not later than January 1, 2008.

23           (b) The change in law made by this Act to Section  
24 1701.357(c), Occupations Code, applies only to an application for a  
25 weapons proficiency certificate under that section filed on or  
26 after September 1, 2007. An application for a weapons proficiency  
27 certificate under Section 1701.357, Occupations Code, filed before

H.B. No. 638

1 September 1, 2007, is covered by the law in effect on the date the  
2 application was filed, and the former law is continued in effect for  
3 that purpose.

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

# ADOPTED

MAY 22 2007

*Lately Spaul*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend H.B. No. 638 (Senate Committee Printing) as follows:

2 (1) Add the following appropriately numbered SECTION to the  
3 bill and renumber subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. The heading to Section 1701.357, Occupations  
5 Code, is amended to read as follows:

6 Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED  
7 PEACE OFFICERS AND FEDERAL LAW ENFORCEMENT OFFICERS [~~CRIMINAL~~  
8 ~~INVESTIGATORS~~].

9 (2) In the recital to SECTION 1 of the bill (page 1, line  
10 12), strike "Section 1701.357(c), Occupations Code, is" and  
11 substitute "Sections 1701.357(a), (c), and (h), Occupations Code,  
12 are".

13 (3) In SECTION 1 of the bill, insert the following between  
14 the recital to that SECTION and the text of amended Subsection (c),  
15 Section 1701.357, Occupations Code (page 1, between lines 13 and  
16 14):

17 (a) This section applies only to:

18 (1) a peace officer; ~~and~~

19 (2) a federal criminal investigator designated as a  
20 special investigator under Article 2.122, Code of Criminal  
21 Procedure; and

22 (3) a qualified retired law enforcement officer who is  
23 entitled to carry a concealed firearm under 18 U.S.C. Section 926C  
24 and is not otherwise described by Subdivision (1) or (2).

25 (4) In SECTION 1 of the bill, insert the following  
26 immediately after the text of amended Subsection (c), Section  
27 1701.357, Occupations Code (page 1, between lines 32 and 33):

28 (h) The head of a state law enforcement agency may allow an  
29 honorably retired federal criminal investigator or a qualified

1 retired law enforcement officer to whom this section applies an  
2 opportunity to demonstrate weapons proficiency in the same manner  
3 as, and subject to the same requirements applicable to, an  
4 honorably retired peace officer as described by this section. The  
5 agency shall issue a certificate of proficiency to an honorably  
6 retired federal criminal investigator or a qualified retired law  
7 enforcement officer who otherwise meets the requirements of this  
8 section and shall maintain records regarding the issuance of that  
9 certificate.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 16, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB638** by Hughes (Relating to the issuance of identification cards to certain retired peace officers and to the eligibility of certain retired peace officers to obtain a weapons proficiency certificate.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would add Subchapter H to Chapter 614, Government Code, to require a law enforcement agency or other governmental entity that was the last entity to appoint or employ an honorably retired peace officer to issue an identification card to those honorably retired peace officers. The bill stipulates what information must be included on the ID card. The bill also includes procedures for if an ID card is lost or stolen.

Each law enforcement agency or other governmental entity required to issue an identification card must issue the cards by not later than January 1, 2008. The bill would take effect September 1, 2007.

It is assumed that state agencies that employ peace officers would be able to implement provisions of the bill utilizing existing resources.

**Local Government Impact**

The fiscal impact would vary by entity, depending on the number of peace officers employed or retired from the agency.

The Houston Police Department, with approximately 4,900 active and 6,900 retired officers, estimates additional costs of \$72,235 for supplies for issuing new identification cards and \$156,751 in costs of having officers take time from normal duties to have their photos and thumbprints taken, for a total cost of \$228,986 each card cycle.

The Abilene Police Department would have to replace 180 ID cards, at a cost of \$2,340. The department already has an electronic card printing system and would only have to modify their card template, purchase equipment to take electronic thumbprints, and re-issue cards.

The Travis County Sheriff's Office reports that the costs would be insignificant; however, the agency is in the process of phasing in a new ID for sworn staff and would incur additional expenses to redesign their system and cards.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, ES, DB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 10, 2007**

**TO:** Honorable Joe Driver, Chair, House Committee on Law Enforcement

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB638** by Hughes (Relating to the eligibility of certain retired peace officers to obtain a weapons proficiency certificate.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, ES, DB

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**May 16, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB638** by Hughes (Relating to the issuance of identification cards to certain retired peace officers and to the eligibility of certain retired peace officers to obtain a weapons proficiency certificate.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, TM