

SENATE AMENDMENTS

2nd Printing

By: Elkins

H.B. No. 1955

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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held at the time the retired officer last served as an elected, appointed, or employed peace officer unless the license was revoked for cause under Section 1701.501.

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

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

(b) The commission shall [~~may~~] issue a permanent license to a person who meets the requirements of this chapter and the rules

1 prescribed by the commission to serve as an officer [~~and may issue a~~
2 ~~temporary or permanent license to a person to serve as a county~~
3 ~~jailer~~].

4 (c) The commission may issue a temporary or permanent
5 license to a person to serve as a county jailer.

6 SECTION 3. Subchapter G, Chapter 1701, Occupations Code, is
7 amended by adding Section 1701.3161 to read as follows:

8 Sec. 1701.3161. REACTIVATION OF PEACE OFFICER LICENSE:
9 RETIRED PEACE OFFICERS. (a) In this section, "retired peace
10 officer" means a person who served as a peace officer in this state
11 who:

12 (1) is not currently serving as an elected, appointed,
13 or employed peace officer under Article 2.12, Code of Criminal
14 Procedure, or other law;

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

19 (3) is eligible to receive a pension or annuity for
20 service as a law enforcement officer in this state or is ineligible
21 to receive a pension or annuity only because the law enforcement
22 agency that employed the officer does not offer a pension or annuity
23 to its employees.

24 (b) The commission shall adopt rules for the reactivation of
25 a retired peace officer's license after a break in employment. The
26 rules must allow a retired peace officer to reactivate the
27 officer's license by completing the continuing education

1 requirements prescribed by Section 1701.351 and completing any
2 other continuing education requirement imposed by law in lieu of
3 successfully completing any examination required by the commission
4 for reactivation.

5 (c) The commission shall waive the fee established for the
6 reactivation of a peace officer's license for a retired peace
7 officer who is eligible for reactivation as provided by Subsection
8 (b).

9 SECTION 4. As soon as practicable after the effective date
10 of this Act, the Commission on Law Enforcement Officer Standards
11 and Education shall adopt the rules required by Section 1701.3161,
12 Occupations Code, as added by this Act.

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

ADOPTED

MAY 21 2007

Leta Spaw
Secretary of the Senate

By: Hegar

H.B. No. 1955

Substitute the following for H.B. No. 1955:

By: Hegar

C.S.H.B. No. 1955

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the licensing of certain peace officers by the
3 Commission on Law Enforcement Officer Standards and Education.

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

5 SECTION 1. Section 1701.159, Occupations Code, is amended
6 to read as follows:

7 Sec. 1701.159. [~~LIST OF~~] ACTIVE AND INACTIVE PEACE
8 OFFICERS. (a) The commission [~~by rule~~] shall establish a list of
9 active licensed peace officers and a list of inactive licensed
10 peace officers who leave the employment of a law enforcement
11 agency.

12 (b) A retired peace officer as defined by Section 1701.3161
13 continues to hold as an inactive license the license the retired
14 officer held at the time the retired officer last served as an
15 elected, appointed, or employed peace officer unless the license
16 was revoked for cause under Section 1701.501.

17 (c) A retired peace officer who holds an inactive license
18 may not serve as a peace officer unless the person reactivates the
19 license as provided by Section 1701.316 or 1701.3161.

20 SECTION 2. Section 1701.307, Occupations Code, is amended
21 by amending Subsection (b) and adding Subsection (c) to read as
22 follows:

23 (b) The commission may issue a permanent license to a person
24 who meets the requirements of this chapter and the rules prescribed

1 ~~by the commission to serve as an officer [and may issue a temporary~~
2 ~~or permanent license to a person to serve as a county jailer].~~

3 (c) The commission may issue a temporary or permanent
4 license to a person to serve as a county jailer.

5 SECTION 3. Subchapter G, Chapter 1701, Occupations Code, is
6 amended by adding Section 1701.3161 to read as follows:

7 Sec. 1701.3161. REACTIVATION OF PEACE OFFICER LICENSE:

8 RETIRED PEACE OFFICERS. (a) In this section, "retired peace
9 officer" means a person who served as a peace officer in this state
10 who:

11 (1) is not currently serving as an elected, appointed,
12 or employed peace officer under Article 2.12, Code of Criminal
13 Procedure, or other law;

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

18 (3) is eligible to receive a pension or annuity for
19 service as a law enforcement officer in this state or is ineligible
20 to receive a pension or annuity only because the law enforcement
21 agency that employed the officer does not offer a pension or annuity
22 to its employees.

23 (b) The commission shall adopt rules for the reactivation of
24 a retired peace officer's license after a break in employment. The
25 rules must allow a retired peace officer to reactivate the
26 officer's license by completing the continuing education
27 requirements prescribed by Section 1701.351 and completing any

1 other continuing education requirement imposed by law in lieu of
2 successfully completing any examination required by the commission
3 for reactivation.

4 (c) The commission may waive the reinstatement fee
5 established for the reactivation of a peace officer's license for a
6 retired peace officer who is eligible for reactivation as provided
7 by Subsection (b).

8 SECTION 4. As soon as practicable after the effective date
9 of this Act, the Commission on Law Enforcement Officer Standards
10 and Education shall adopt the rules required by Section 1701.3161,
11 Occupations Code, as added by this Act.

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

6

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

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

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

IN RE: HB1955 by Elkins (Relating to the licensing of certain peace officers by the Commission on Law Enforcement Standards and Education.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

The bill would amend the Occupations Code, Chapter 1701 by establishing that a retired peace officer continues to hold, as inactive, a peace officer license held at retirement. The bill also states procedures by which a retired officer may reactivate an inactive license. The bill states TCLEOSE may waive the fee established for the reactivation of a peace officer's license for a retired peace officer who is eligible for reactivation. The bill would take effect immediately if two-thirds of the House of Representatives and Senate members vote to enact the legislation. If it does not receive the vote necessary for immediate impact, the bill would take effect on September 1, 2007.

Previous versions of this bill showed a revenue loss to the agency. This version of this bill states that TCLEOSE may waive the reinstatement fee. The agency's response assumes that they would continue to charge this fee and therefore there would be no revenue loss to the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, ES, GG, LG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

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

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

IN RE: HB1955 by Elkins (Relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1955, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>LAW OFFICER STDS & ED AC</i> 116
2008	(\$4,000)
2009	(\$4,000)
2010	(\$4,000)
2011	(\$4,000)
2012	(\$4,000)

Fiscal Analysis

The bill would amend the Occupations Code relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

The bill would amend the Occupations Code, Chapter 1701 by establishing that a retired peace officer continues to hold, as inactive, a peace officer license held at retirement. The bill also states procedures by which a retired officer may reactivate an inactive license. The bill states TCLEOSE shall waive the fee established for the reactivation of a peace officer's license for a retired peace officer who is eligible for reactivation. The bill would take effect immediately if two-thirds of the House of Representatives and Senate members vote to enact the legislation. If it does not receive the vote necessary for immediate impact, the bill would take effect on September 1, 2007.

Methodology

In order to implement the provisions of the bill, TCLEOSE states they would no longer be able to collect fees

of \$250 per person for the reactivation of the licenses for previously-retired peace officers. In fiscal year 2006, TCLEOSE received 134 reactivation requests for a total of \$33,500 in collected revenue fees (134 people x \$250 reactivation fee per person). Of the 134 reactivation requests, previously-retired officers represented 15 of these reactivations for total revenue of \$3,750 (15 people x \$250 reactivation fee per person). During the first two-thirds of fiscal year 2007, TCLEOSE has already received 102 reactivation requests totaling \$25,550 in collected revenue fees. The agency is estimating that fiscal year 2008; the total number of reactivations will be substantially higher than previous fiscal years. As a result, TCLEOSE estimates an annual loss of fee revenue of approximately \$4,000 per year (16 people x \$250 reactivation fee per person) in the Law Enforcement Officer Standards and Education Account No. 116.

Technology

No significant fiscal implications to technology is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, ES, GG, LG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

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

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

IN RE: HB1955 by Elkins (Relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1955, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2009.
--

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>LAW OFFICER STDS & ED AC</i> 116
2008	(\$4,000)
2009	(\$4,000)
2010	(\$4,000)
2011	(\$4,000)
2012	(\$4,000)

Fiscal Analysis

The bill would amend the Occupations Code relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

The bill would amend the Occupations Code, Chapter 1701 by establishing that a retired peace officer continues to hold, as inactive, a peace officer license held at retirement. The bill also states procedures by which a retired officer may reactivate an inactive license. The bill states TCLEOSE shall waive the fee established for the reactivation of a peace officer's license for a retired peace officer who is eligible for reactivation. The bill would take effect immediately if two-thirds of the House of Representatives and Senate members vote to enact the legislation. If it does not receive the vote necessary for immediate impact, the bill would take effect on September 1, 2007.

Methodology

In order to implement the provisions of the bill, TCLEOSE states they would no longer be able to collect fees of \$250 per person for the reactivation of the licenses for previously-retired peace officers. In fiscal year 2006, TCLEOSE received 134 reactivation requests for a total of \$33,500 in collected revenue fees (134 people x \$250 reactivation fee per person). Of the 134 reactivation requests, previously-retired officers represented 15 of these reactivations for total revenue of \$3,750 (15 people x \$250 reactivation fee per person). During the first two-thirds of fiscal year 2007, TCLEOSE has already received 102 reactivation requests totaling \$25,550 in collected revenue fees. The agency is estimating that fiscal year 2008; the total number of reactivations will be substantially higher than previous fiscal years. As a result, TCLEOSE estimates an annual loss of fee revenue of approximately \$4,000 per year (16 people x \$250 reactivation fee per person) in the Law Enforcement Officer Standards and Education Account No. 116.

Technology

No significant fiscal implications to technology is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, ES, GG, LG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 1, 2007

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

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

IN RE: **HB1955** by Elkins (Relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education. The bill amends Occupations Code, Chapter 1701 which establishes that a retired peace officer continues to hold, as inactive, a peace officer license held at retirement. The bill also states procedures by which a retired officer may reactivate an inactive license. The bill would take effect immediately if two-thirds of the House of Representatives and Senate members vote to enact the legislation. If it does not receive the vote necessary for immediate impact, the bill would take effect on September 1, 2007.

The Texas Commission on Law Enforcement Officer Standards and Education anticipates no significant fiscal impact to the agency.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, ES, GG, LG, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

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

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

IN RE: **HB1955** by Elkins (Relating to the licensing of certain peace officers by the Commission on Law Enforcement Standards and Education.), **Committee Report 2nd House, Substituted**

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, GG, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

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

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

IN RE: HB1955 by Elkins (Relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education.), **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, GG, LM