

House Bill 638
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

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

(c) The agency shall establish written procedures for the issuance or denial of a certificate of proficiency under this section. The agency shall issue the certificate to a retired officer who satisfactorily demonstrates weapons proficiency under Subsection (b), provides proof that the officer is entitled to receive a pension or annuity for ~~[receiving retirement benefits on the basis of]~~ service with a state or local law enforcement agency or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the retired officer does not offer a pension or annuity to its retired

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SECTION __. The heading to Section 1701.357, Occupations Code, is amended to read as follows:
Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS AND FEDERAL LAW ENFORCEMENT OFFICERS ~~[CRIMINAL INVESTIGATORS]~~.

SECTION 1. Sections 1701.357(a), (c), and (h), Occupations Code, are amended to read as follows:

(a) This section applies only to:
(1) a peace officer; ~~[and]~~
(2) a federal criminal investigator designated as a special investigator under Article 2.122, Code of Criminal Procedure; and
(3) a qualified retired law enforcement officer who is entitled to carry a concealed firearm under 18 U.S.C. Section 926C and is not otherwise described by Subdivision (1) or (2).

(c) The agency shall establish written procedures for the issuance or denial of a certificate of proficiency under this section. The agency shall issue the certificate to a retired officer who satisfactorily demonstrates weapons proficiency under Subsection (b), provides proof that the officer is entitled to receive a pension or annuity for ~~[receiving retirement benefits on the basis of]~~ service with a state or local law enforcement agency or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the retired officer does not offer a pension or annuity to its retired

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employees, and satisfies the written procedures established by the agency. The agency shall maintain records of any retired officer who holds a certificate issued under this section. For purposes of this subsection, proof that a retired officer is entitled to receive a pension or annuity or is not entitled to receive a pension or annuity only because the agency that last employed the retired officer does not offer a pension or annuity may include a retired peace officer identification card issued under Subchapter H, Chapter 614, Government Code.

SECTION 2. Chapter 614, Government Code, is amended by adding Subchapter H to read as follows:
SUBCHAPTER H. IDENTIFICATION CARDS FOR CERTAIN RETIRED PEACE OFFICERS
Sec. 614.121. DEFINITION. In this subchapter,

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employees, and satisfies the written procedures established by the agency. The agency shall maintain records of any retired officer who holds a certificate issued under this section. For purposes of this subsection, proof that a retired officer is entitled to receive a pension or annuity or is not entitled to receive a pension or annuity only because the agency that last employed the retired officer does not offer a pension or annuity may include a retired peace officer identification card issued under Subchapter H, Chapter 614, Government Code.

(h) The head of a state law enforcement agency may allow an honorably retired federal criminal investigator or a qualified retired law enforcement officer to whom this section applies an opportunity to demonstrate weapons proficiency in the same manner as, and subject to the same requirements applicable to, an honorably retired peace officer as described by this section. The agency shall issue a certificate of proficiency to an honorably retired federal criminal investigator or a qualified retired law enforcement officer who otherwise meets the requirements of this section and shall maintain records regarding the issuance of that certificate.

Same as House version.

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"honorably retired peace officer" means a former peace officer who:

(1) 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;

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

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

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

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

Sec. 614.123. APPEARANCE AND CONTENT OF IDENTIFICATION CARD. (a) The identification card must include:

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

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

(3) the name of the law enforcement agency or other

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governmental entity that issued the card to the honorably retired peace officer;

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

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

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

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

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

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

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

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

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

Sec. 614.125. LOST OR STOLEN CARDS. If an

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identification card issued under this subchapter is lost or stolen, the law enforcement agency or other governmental entity issuing the card may:

- (1) require an honorably retired peace officer to submit an affidavit executed by the officer to the law enforcement agency or other governmental entity stating that the identification card was lost or stolen; and
- (2) issue a duplicate identification card to the officer.

SECTION 3. (a) 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.

Same as House version.

(b) The change in law made by this Act to Section 1701.357(c), Occupations Code, applies only to an application for a weapons proficiency certificate under that section filed on or after September 1, 2007. An application for a weapons proficiency certificate under Section 1701.357, Occupations Code, filed before September 1, 2007, is covered by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

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

Same as House version.