

House Bill 1955
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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held at the time the retired officer last served as an elected, appointed, or employed peace officer unless the license was revoked for cause under Section 1701.501.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 prescribed by the commission to serve as an officer ~~[and may issue a temporary or permanent license to a person to serve as a county jailer].~~

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

SENATE VERSION

Same as House version.

CONFERENCE

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

(b) The commission **may** issue a permanent license to a person who meets the requirements of this chapter and the rules prescribed by the commission to serve as an officer ~~[and may issue a temporary or permanent license to a person to serve as a county jailer].~~

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

House Bill 1955
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 1701.3161. REACTIVATION OF PEACE OFFICER LICENSE: RETIRED PEACE OFFICERS.

(a) In this section, "retired peace officer" means a person who served as a peace officer in this state who:

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

(2) 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 law enforcement agency; and

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

(b) The commission shall adopt rules for the reactivation of a retired peace officer's license after a break in employment. The rules must allow a retired peace officer to reactivate the officer's license by completing the continuing education requirements prescribed by Section 1701.351 and completing any other continuing education requirement imposed by law in lieu of successfully completing any examination required by the commission for reactivation.

(c) The commission shall waive the fee established for the reactivation of a peace officer's license for a retired

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

Sec. 1701.3161. REACTIVATION OF PEACE OFFICER LICENSE: RETIRED PEACE OFFICERS.

(a) In this section, "retired peace officer" means a person who served as a peace officer in this state who:

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

(2) 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 law enforcement agency; and

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

(b) The commission shall adopt rules for the reactivation of a retired peace officer's license after a break in employment. The rules must allow a retired peace officer to reactivate the officer's license by completing the continuing education requirements prescribed by Section 1701.351 and completing any other continuing education requirement imposed by law in lieu of successfully completing any examination required by the commission for reactivation.

(c) The commission may waive the reinstatement fee established for the reactivation of a peace officer's

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House Bill 1955
Senate Amendments
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HOUSE VERSION

peace officer who is eligible for reactivation as provided by Subsection (b).

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

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

SENATE VERSION

license for a retired peace officer who is eligible for reactivation as provided by Subsection (b).

Same as House version.

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CONFERENCE