

BILL ANALYSIS

C.S.H.B. 647
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Department of Public Safety (DPS) employs law enforcement officers for a range of public safety purposes. The addition of reserve officers assists DPS with many of its responsibilities, such as conducting background checks, monitoring high-risk sex offenders, and recruiting new officers. Reserve officers could provide additional support to state troopers by riding with the troopers in dangerous areas, resulting in a safer environment for the officers. C.S.H.B. 647, by granting DPS the statutory authority to appoint honorably retired or separated peace officers licensed by the Commission on Law Enforcement Officer Standards and Education as reserve officers, would help DPS further its mission to protect and serve Texas citizens in a more efficient manner.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 647 amends the Government Code to authorize the public safety director of the Department of Public Safety (DPS) to appoint reserve law enforcement officers for the department. The bill authorizes the Public Safety Commission to limit the number of reserve officers that may be appointed. The bill specifies that a reserve officer serves at the discretion of the director and may be called into service if the director considers it necessary to preserve the peace and enforce the law. The bill authorizes the director to authorize a reserve officer who is a peace officer as described by the Code of Criminal Procedure to carry a weapon or act as a peace officer at all times, regardless of whether the reserve officer is engaged in the actual discharge of official duties, or to limit the authority of the reserve officer to carry a weapon or act as a peace officer to only those times during which the reserve officer is engaged in the actual discharge of official duties.

C.S.H.B. 647 excludes a reserve officer from eligibility for participation in any program provided by DPS that is normally considered a financial benefit of full-time employment or for any pension fund created by statute for the benefit of full-time paid peace officers. The bill establishes that a reserve officer is not exempt from the Private Security Act. The bill requires a reserve officer, before beginning to perform the duties of office and at the time of appointment, to file an oath and execute and file a bond in the amount of \$2,000 payable to DPS. The bill grants a reserve officer on active duty at the call of the director and actively engaged in assigned duties the same rights, privileges, and duties as any other peace officer of this state.

C.S.H.B. 647 amends the Code of Criminal Procedure to add reserve officers appointed by the director who hold a permanent peace officer license to the list of persons who are considered peace officers.

C.S.H.B. 647 amends the Occupations Code to make a conforming change to the definition of

"reserve law enforcement officer."

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 647 omits a provision contained in the original authorizing a reserve officer who is not a peace officer as described by the Code of Criminal Procedure to act as a peace officer only during the actual discharge of official duties. The substitute omits a provision contained in the original specifying that the exclusion from eligibility of a reserve officer for participation in certain Department of Public Safety programs and pension funds for full-time peace officers and the exemption of a reserve officer from the Private Security Act applies regardless of whether the reserve officer is a peace officer as described by the Code of Criminal Procedure.