

By: King of Parker, Miller of Erath

H.B. No. 647

Substitute the following for H.B. No. 647:

By: Beck

C.S.H.B. No. 647

A BILL TO BE ENTITLED

AN ACT

relating to the public safety director's appointment of reserve law enforcement officers for the Department of Public Safety.

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

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0065 to read as follows:

Sec. 411.0065. RESERVE OFFICERS. (a) The director may appoint reserve law enforcement officers for the department. The commission may limit the number of reserve officers that may be appointed.

(b) A reserve officer serves at the discretion of the director and may be called into service if the director considers it necessary to have additional officers to preserve the peace and enforce law.

(c) The director may:

(1) authorize a reserve officer who is a peace officer as described by Article 2.12, 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

(2) 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.

1 (d) A reserve officer is not:

2 (1) eligible for participation in any program provided
3 by the department that is normally considered a financial benefit
4 of full-time employment or for any pension fund created by statute
5 for the benefit of full-time paid peace officers; or

6 (2) exempt from Chapter 1702, Occupations Code.

7 (e) A reserve officer, before beginning to perform the
8 duties of office and at the time of appointment, must file an oath
9 and execute and file a bond in the amount of \$2,000 payable to the
10 department.

11 (f) A reserve officer on active duty at the call of the
12 director and actively engaged in assigned duties has the same
13 rights, privileges, and duties as any other peace officer of this
14 state.

15 SECTION 2. Article 2.12, Code of Criminal Procedure, is
16 amended to read as follows:

17 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
18 officers:

19 (1) sheriffs, their deputies, and those reserve
20 deputies who hold a permanent peace officer license issued under
21 Chapter 1701, Occupations Code;

22 (2) constables, deputy constables, and those reserve
23 deputy constables who hold a permanent peace officer license issued
24 under Chapter 1701, Occupations Code;

25 (3) marshals or police officers of an incorporated
26 city, town, or village, and those reserve municipal police officers
27 who hold a permanent peace officer license issued under Chapter

1701, Occupations Code;

(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety and reserve officers appointed by the director who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

(7) each member of an arson investigating unit commissioned by a city, a county, or the state;

(8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;

(9) officers commissioned by the General Services Commission;

(10) law enforcement officers commissioned by the Parks and Wildlife Commission;

(11) airport police officers commissioned by a city with a population of more than 1.18 million that operates an airport that serves commercial air carriers;

(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;

(13) municipal park and recreational patrolmen and security officers;

1 (14) security officers and investigators commissioned
2 as peace officers by the comptroller;

3 (15) officers commissioned by a water control and
4 improvement district under Section 49.216, Water Code;

5 (16) officers commissioned by a board of trustees
6 under Chapter 54, Transportation Code;

7 (17) investigators commissioned by the Texas Medical
8 Board;

9 (18) officers commissioned by the board of managers of
10 the Dallas County Hospital District, the Tarrant County Hospital
11 District, or the Bexar County Hospital District under Section
12 281.057, Health and Safety Code;

13 (19) county park rangers commissioned under
14 Subchapter E, Chapter 351, Local Government Code;

15 (20) investigators employed by the Texas Racing
16 Commission;

17 (21) officers commissioned under Chapter 554,
18 Occupations Code;

19 (22) officers commissioned by the governing body of a
20 metropolitan rapid transit authority under Section 451.108,
21 Transportation Code, or by a regional transportation authority
22 under Section 452.110, Transportation Code;

23 (23) investigators commissioned by the attorney
24 general under Section 402.009, Government Code;

25 (24) security officers and investigators commissioned
26 as peace officers under Chapter 466, Government Code;

27 (25) an officer employed by the Department of State

1 Health Services under Section 431.2471, Health and Safety Code;

2 (26) officers appointed by an appellate court under
3 Subchapter F, Chapter 53, Government Code;

4 (27) officers commissioned by the state fire marshal
5 under Chapter 417, Government Code;

6 (28) an investigator commissioned by the commissioner
7 of insurance under Section 701.104, Insurance Code;

8 (29) apprehension specialists and inspectors general
9 commissioned by the Texas Youth Commission as officers under
10 Sections 61.0451 and 61.0931, Human Resources Code;

11 (30) officers appointed by the inspector general of
12 the Texas Department of Criminal Justice under Section 493.019,
13 Government Code;

14 (31) investigators commissioned by the Commission on
15 Law Enforcement Officer Standards and Education under Section
16 1701.160, Occupations Code;

17 (32) commission investigators commissioned by the
18 Texas Private Security Board under Section 1702.061(f),
19 Occupations Code;

20 (33) the fire marshal and any officers, inspectors, or
21 investigators commissioned by an emergency services district under
22 Chapter 775, Health and Safety Code;

23 (34) officers commissioned by the State Board of
24 Dental Examiners under Section 254.013, Occupations Code, subject
25 to the limitations imposed by that section;

26 (35) investigators commissioned by the Texas Juvenile
27 Probation Commission as officers under Section 141.055, Human

1 Resources Code; and

2 (36) the fire marshal and any related officers,
3 inspectors, or investigators commissioned by a county under
4 Subchapter B, Chapter 352, Local Government Code.

5 SECTION 3. Section 1701.001(6), Occupations Code, is
6 amended to read as follows:

7 (6) "Reserve law enforcement officer" means a person
8 designated as a reserve law enforcement officer under:

9 (A) Section 411.0065, Government Code;

10 (B) Section 85.004, 86.012, or 341.012, Local
11 Government Code;~~or~~

12 (C) Section 60.0775, Water Code.

13 SECTION 4. This Act takes effect September 1, 2011.