

BILL ANALYSIS

C.S.H.B. 710
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been reports of advertisements promoting certain private businesses in which an active peace officer appears and uses the officer's rank and status as part of the advertisement of a business for which the officer has an ownership interest in or manages. Interested parties note that such promotion could be perceived as perverting the color of authority, as peace officers are entrusted with the safety and welfare of the public, and using that trust as a means of advertising a private business for an officer's personal gain may be considered inappropriate. C.S.H.B. 710 seeks to address these concerns by prohibiting a peace officer or reserve law enforcement officer from advertising or promoting a private business in a certain manner, unless the business is directly related to the profession of law enforcement.

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. 710 amends the Occupations Code to prohibit a peace officer or reserve law enforcement officer from using the officer's rank or status as an officer, including the title "officer" or "peace officer," to advertise or otherwise promote a private business in which the officer has an ownership interest or of which the officer is a manager, contractor, or employee unless the business is directly related to the profession of law enforcement, including private security, firearms instruction, or another related business as determined by the Commission on Law Enforcement Officer Standards and Education. The bill subjects an officer who violates that prohibition to disciplinary action by the commission.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 710 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subchapter K, Chapter 1701, Occupations Code, is amended by adding Section 1701.5025 to read as follows: <u>Sec. 1701.5025. PRIVATE</u>	SECTION 1. Subchapter K, Chapter 1701, Occupations Code, is amended by adding Section 1701.5025 to read as follows: <u>Sec. 1701.5025. PRIVATE</u>

COMMERCIAL USE OF RANK OR STATUS AS PEACE OFFICER. (a) An active peace officer may not use the peace officer's rank or status as a peace officer to advertise or otherwise promote a private business in which the peace officer has an ownership interest or of which the peace officer is a manager.

(b) A peace officer who violates this section is subject to disciplinary action by the commission.

SECTION 2. This Act takes effect September 1, 2013.

COMMERCIAL USE OF RANK OR STATUS AS OFFICER. (a) An officer may not use the officer's rank or status as an officer, including the title "officer" or "peace officer," to advertise or otherwise promote a private business in which the officer has an ownership interest or of which the officer is a manager, contractor, or employee unless the business is directly related to the profession of law enforcement, including private security, firearms instruction, or another related business as determined by the commission.

(b) An officer who violates this section is subject to disciplinary action by the commission.

SECTION 2. Same as introduced version.