

BILL ANALYSIS

C.S.H.B. 3647
By: Dale
House Administration
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that there is some confusion as to who is eligible to be included on the Texas Peace Officers' Memorial Monument. C.S.H.B. 3647 seeks to provide clarity relating to that determination.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 3647 amends the Government Code to establish that it is presumed that an applicable law enforcement or corrections or detention officer was killed in the line of duty, for the purpose of establishing eligibility to have the person's name on the Texas Peace Officers' Memorial Monument, if the Employees Retirement System of Texas makes payments and provides benefits to the person's eligible survivors under statutory provisions relating to financial assistance to survivors of certain law enforcement officers, fire fighters, and others. The bill authorizes a peace officer, law enforcement agency, independent researcher, or organization that advocates on behalf of the survivors of an applicable law enforcement or corrections or detention officer to submit to the Texas Commission on Law Enforcement (TCOLE) a nomination to have the person's name added to the monument. The bill requires the executive director of TCOLE to make a preliminary recommendation to TCOLE on whether a person nominated is eligible. The bill requires TCOLE to place each nomination, including the executive director's preliminary recommendation, on the agenda of a scheduled TCOLE meeting for consideration. The bill requires TCOLE to allow public testimony and consider any evidence presented regarding the eligibility of the person nominated before determining by a public vote whether the person meets the eligibility requirements and to add a person's name to the monument if such a determination is made. The bill requires TCOLE to adopt rules and establish procedures for adding names to the monument in accordance with the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3647 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 3105.003, Government Code, is amended to read as follows:

Sec. 3105.003. **ELIGIBILITY FOR MONUMENT.** (a) A ~~[person is eligible to have the]~~ person's name shall be included on the monument if the person was killed in the line of duty and was:

- (1) a law enforcement officer or peace officer for this state or a political subdivision of this state under Article 2.12, Code of Criminal Procedure, or other law;
- (2) a federal law enforcement officer or special agent performing duties in this state, including those officers under Article 2.122, Code of Criminal Procedure; or
- (3) a corrections or detention officer or county or municipal jailer employed or appointed by a municipal, county, or state penal institution in this state.

(b) It is presumed that a person described by subsection (a) was killed in the line of duty if the Employees Retirement System of Texas has awarded benefits to the eligible survivors of the person as provided by Chapter 615.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 3105.003, Government Code, is amended to read as follows:

Sec. 3105.003. **ELIGIBILITY FOR MONUMENT.** (a) A person is eligible to have the person's name on the monument if the person was killed in the line of duty and was:

- (1) a law enforcement officer or peace officer for this state or a political subdivision of this state under Article 2.12, Code of Criminal Procedure, or other law;
- (2) a federal law enforcement officer or special agent performing duties in this state, including those officers under Article 2.122, Code of Criminal Procedure; or
- (3) a corrections or detention officer or county or municipal jailer employed or appointed by a municipal, county, or state penal institution in this state.

(b). Substantially the same as introduced version.

SECTION 2. Chapter 3105, Government Code, is amended by adding Section 3105.0035 to read as follows:

Sec. 3105.0035. NOMINATIONS; ADDITION OF NAMES TO MONUMENT. (a) A peace officer, law enforcement agency, independent researcher, or organization that advocates on behalf of the survivors of persons described by Section 3105.003 may submit to the commission a nomination to have a person's name added to the monument.

(b) The executive director of the commission shall make a preliminary recommendation to the commission on whether a person nominated under Subsection (a) is eligible under Section 3105.003.

(c) The commission shall place each nomination, including the executive director's preliminary recommendation, on the agenda of a scheduled meeting of the commission for consideration by the

commission. The commission shall allow public testimony and consider any evidence presented regarding the eligibility of the person nominated. After hearing testimony and considering evidence, the commission shall determine by a public vote whether the person meets the eligibility requirements under Section 3105.003.

(d) The commission shall add a person's name to the monument if the commission determines that the person meets the eligibility requirements.

No equivalent provision.

SECTION 3. Section 3105.004(b), Government Code, is amended to read as follows:

(b) The commission shall:

(1) establish and maintain historical and archival records of the inducted officers and jailers that must be accessible to family members and independent researchers; and

(2) adopt rules and establish procedures for adding names to the monument in accordance with Sections [~~Section~~] 3105.003 and 3105.0035.

SECTION 2. This Act takes effect on September 1, 2017.

SECTION 4. 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, 2017.