

1-1 By: Dale, et al. (Senate Sponsor - Watson) H.B. No. 3647
1-2 (In the Senate - Received from the House May 1, 2017;
1-3 May 4, 2017, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Birdwell	X		
1-12	Burton	X		
1-13	Creighton	X		
1-14	Garcia	X		
1-15	Hughes	X		
1-16	Menéndez		X	
1-17	Perry		X	

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3647 By: Whitmire

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the Texas Peace Officers' Memorial Monument and
1-22 Ceremony.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Chapter 3105, Government Code, is
1-25 amended to read as follows:

1-26 CHAPTER 3105. TEXAS PEACE OFFICERS' MEMORIAL MONUMENT AND CEREMONY

1-27 SECTION 2. Section 3105.002, Government Code, is amended by
1-28 adding Subdivision (2-a) to read as follows:

1-29 (2-a) "Committee" means the Texas Peace Officers'
1-30 Memorial Ceremony Committee.

1-31 SECTION 3. Section 3105.003, Government Code, is amended to
1-32 read as follows:

1-33 Sec. 3105.003. ELIGIBILITY FOR MONUMENT. (a) A person is
1-34 eligible to have the person's name on the monument if the person was
1-35 killed in the line of duty and was:

1-36 (1) a law enforcement officer or peace officer for
1-37 this state or a political subdivision of this state under Article
1-38 2.12, Code of Criminal Procedure, or other law;

1-39 (2) a federal law enforcement officer or special agent
1-40 performing duties in this state, including those officers under
1-41 Article 2.122, Code of Criminal Procedure; or

1-42 (3) a corrections or detention officer or county or
1-43 municipal jailer employed or appointed by a municipal, county, or
1-44 state penal institution in this state.

1-45 (b) A person described by Subsection (a) is presumed to have
1-46 been killed in the line of duty if the Employees Retirement System
1-47 of Texas makes payments and provides benefits to the eligible
1-48 survivors of the person as provided by Chapter 615.

1-49 SECTION 4. Chapter 3105, Government Code, is amended by
1-50 adding Section 3105.0035 to read as follows:

1-51 Sec. 3105.0035. NOMINATIONS; ADDITION OF NAMES TO MONUMENT.

1-52 (a) A peace officer, law enforcement agency, independent
1-53 researcher, or organization that advocates on behalf of the
1-54 survivors of persons described by Section 3105.003 may submit to
1-55 the commission a nomination to have a person's name added to the
1-56 monument.

1-57 (b) The executive director of the commission shall make a
1-58 preliminary recommendation to the commission on whether a person
1-59 nominated under Subsection (a) is eligible under Section 3105.003.

1-60 (c) The commission shall place each nomination, including

2-1 the executive director's preliminary recommendation, on the agenda
2-2 of a scheduled meeting of the commission for consideration by the
2-3 commission. The commission shall allow public testimony and
2-4 consider any evidence presented regarding the eligibility of the
2-5 person nominated. After hearing testimony and considering
2-6 evidence, the commission shall determine by a public vote whether
2-7 the person meets the eligibility requirements under Section
2-8 3105.003.

2-9 (d) The commission shall add a person's name to the monument
2-10 if the commission determines that the person meets the eligibility
2-11 requirements.

2-12 SECTION 5. Section 3105.004(b), Government Code, is amended
2-13 to read as follows:

2-14 (b) The commission shall:
2-15 (1) establish and maintain historical and archival
2-16 records of the inducted officers and jailers that must be
2-17 accessible to family members and independent researchers; and

2-18 (2) adopt rules and establish procedures for adding
2-19 names to the monument in accordance with Sections [~~Section~~]
2-20 3105.003 and 3105.0035.

2-21 SECTION 6. Section 3105.005(c), Government Code, is amended
2-22 to read as follows:

2-23 (c) Money in the account may be used only for the purposes
2-24 prescribed by Section 3105.004 [~~this chapter~~].

2-25 SECTION 7. Chapter 3105, Government Code, is amended by
2-26 adding Sections 3105.006 and 3105.007 to read as follows:

2-27 Sec. 3105.006. TEXAS PEACE OFFICERS' MEMORIAL CEREMONY
2-28 COMMITTEE. (a) The committee is established to plan, oversee, and
2-29 facilitate annual ceremonies recognizing and honoring peace
2-30 officers of this state who were killed in the line of duty.

2-31 (b) The committee consists of the following members:
2-32 (1) a president, or the president's designee, of any
2-33 law enforcement organization that:

2-34 (A) provides full service legal and political
2-35 representation to law enforcement officers of this state;

2-36 (B) has at least 10,000 members paying dues, as
2-37 provided by the organization's Internal Revenue Service Form 990
2-38 for the previous reporting period;

2-39 (C) has complied with all filing requirements of
2-40 the Internal Revenue Service, the United States Department of
2-41 Labor, and the secretary of state; and

2-42 (D) has an elected board of directors;

2-43 (2) a surviving spouse of a peace officer killed in the
2-44 line of duty selected by the chapters of the Concerns of Police
2-45 Survivors of this state; and

2-46 (3) the following nonvoting members or designees of
2-47 the members:

2-48 (A) the governor;

2-49 (B) the lieutenant governor;

2-50 (C) the speaker of the house of representatives;

2-51 (D) the attorney general;

2-52 (E) the director of the Department of Public
2-53 Safety;

2-54 (F) the executive director of the board; and

2-55 (G) the executive director of the commission.

2-56 Sec. 3105.007. TEXAS PEACE OFFICERS' MEMORIAL CEREMONY.
2-57 (a) The committee shall meet as necessary to plan and coordinate
2-58 an annual memorial ceremony on the Capitol grounds to honor Texas
2-59 peace officers who were killed in the line of duty.

2-60 (b) The committee shall hold the ceremony on a date selected
2-61 by the committee during the week in which May 8 occurs.

2-62 (c) The ceremony may be funded by public or private money.

2-63 (d) Each odd-numbered year, the ceremony must include:

2-64 (1) a parade of law enforcement color guards and
2-65 personnel ending at the Capitol; and

2-66 (2) a ceremony held during a joint session of the
2-67 legislature on the floor of the house of representatives, if
2-68 possible.

2-69 (e) During the ceremony under this section, the name of each

3-1 peace officer who is being added to the monument that year must be
3-2 read and the surviving family members of the peace officer must be
3-3 recognized.

3-4 SECTION 8. This Act takes effect immediately if it receives
3-5 a vote of two-thirds of all the members elected to each house, as
3-6 provided by Section 39, Article III, Texas Constitution. If this
3-7 Act does not receive the vote necessary for immediate effect, this
3-8 Act takes effect September 1, 2017.

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