

BILL ANALYSIS

H.B. 3057
By: Harris
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that a type of peace officer commission suitable for retired constables could lighten the workload for small constable offices in rural areas by providing more personnel to perform certain duties, such as service of civil papers. H.B. 3057 seeks to create such a commission type by providing for the appointment of special Texas constables by the governor and setting out associated eligibility criteria, powers, duties, rights, and privileges of special constables.

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 rulemaking authority is expressly granted to the governor in SECTION 1 of this bill.

ANALYSIS

H.B. 3057 amends the Code of Criminal Procedure to provide for the appointment by the governor of a qualifying honorably retired peace officer as a special Texas constable. The bill sets out the qualifications for appointment as a special constable, subjects a special Texas constable to orders of the governor for special duty to the same extent as other commissioned peace officers, and grants a special constable the same rights and privileges as any other peace officer. A special constable may enforce only provisions of the Penal Code and other state laws intended to protect life or property. The bill sets out a special constable's powers and duties and establishes that a special constable is not connected to any elected or appointed constable's office.

H.B. 3057 sets out provisions relating to an application for a special constable appointment and the identification card the governor's office must provide to the constable on appointment. The bill prescribes the uniform of a special constable and provides certain exceptions to the requirement that the constable dress in that uniform while engaging in specified activities. The bill requires a person to be bonded in the amount of \$5,000 before appointment as a special Texas constable.

H.B. 3057 authorizes the governor to establish by rule standards governing the conduct and duties of a special constable and to revoke a constable appointment for good cause and for failure of the constable to provide proof of completion of certain education requirements. The governor is not required to provide a continuing education program to a special constable. The bill sets a constable appointment to expire on January 15 of the fifth calendar year after the year in which the appointment was made and makes a special constable whose appointment has

expired eligible for reappointment.

H.B. 3057 amends the Occupations Code to exempt a special Texas constable from the Private Security Act and from continuing education requirements for law enforcement officers but requires the constable to annually demonstrate weapons proficiency, attend at least 20 hours of instruction in civil process every 24 months, and complete a training and education program that covers recent changes to state and federal laws pertaining to peace officers every 24 months. The bill requires a special constable to provide to the governor's office proof of completion of each of those requirements within 90 days of completing the requirement and makes a special constable eligible to attend any course offered in Texas that satisfies any of the requirements. The bill authorizes a special constable to be exempted from the requirements if a licensed physician recommends in writing against the constable's participation in that requirement. Such an exemption lasts for not more than 11 months from the date of the recommendation.

EFFECTIVE DATE

September 1, 2019.