

## **BILL ANALYSIS**

C.S.H.B. 3846

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Homeland Security, Public Safety & Veterans' Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current state law, sheriffs, constables, municipal chiefs of police, and chiefs of police of certain water districts are authorized to commission reserve peace officers to augment the needs of the applicable law enforcement agency and provide an important community resource. The bill author has informed the committee that a reserve peace officer is currently not permitted to work private security jobs using their peace officer license for private gain. However, the bill author has also informed the committee that an attorney general opinion from the 1990s stated that traffic enforcement jobs are not considered private security jobs and are thus not prohibited, which has led to many reserve peace officers using their licenses for private construction jobs rather than serving their communities. C.S.H.B. 3846 seeks to require certain law enforcement agencies that commission non-full-time officers to report certain data to the Texas Commission on Law Enforcement relating to these non-full-time officers.

### **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 Texas Commission on Law Enforcement in SECTION 4 of this bill.

### **ANALYSIS**

C.S.H.B. 3846 amends the Local Government Code to do the following with respect to reserve deputy sheriffs appointed by a sheriff and reserve deputy constables appointed by a constable:

- revises the authorization for a sheriff or a constable to authorize a reserve deputy or a reserve deputy constable, as applicable, who is a peace officer as described by applicable Code of Criminal Procedure provisions to carry a weapon or act as a peace officer at all times, regardless of whether the reserve deputy or reserve deputy constable, as applicable, is engaged in the actual discharge of official duties or to limit the authority of the reserve deputy or reserve deputy constable, as applicable, to carry a weapon or act as a peace officer to only those times during which the reserve deputy or reserve deputy constable is engaged in the actual discharge of official duties by removing the specification that the applicable reserve deputy or reserve deputy constable is a peace officer;
- removes the authorization for a reserve deputy who is not a peace officer or a reserve deputy constable who is not a peace officer, as applicable, to act as a peace officer only during the actual discharge of official duties; and
- revises provisions establishing that a reserve deputy or a reserve deputy constable, as applicable, regardless of whether the reserve deputy or reserve deputy constable is a peace officer, is not eligible for participation in any program provided by the applicable

county that is normally considered a financial benefit of full-time employment or for any pension fund created by state law for the benefit of full-time paid peace officers or exempt from the applicability of the Private Security Act by removing the specification that those provisions apply regardless of whether the reserve deputy or reserve deputy constable is a peace officer.

C.S.H.B. 3846 does the following with respect to members of a police reserve force established by the governing body of a municipality:

- repeals the provision authorizing a member of a reserve force who is not a peace officer to act as a peace officer only during the actual discharge of official duties;
- removes the authorization, on approval of the appointment of a member who is not a peace officer to a reserve force, for the person appointed to carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer;
- revises the authorization for the chief of police, on approval of the appointment of a member who is a peace officer to a reserve force, to authorize the person appointed to carry a weapon or act as a peace officer at all times, regardless of whether the person is engaged in the actual discharge of official duties, or to limit the authority of the person to carry a weapon or act as a peace officer to only those times during which the person is engaged in the actual discharge of official duties by removing the specification that the person appointed is a peace officer; and
- revises provisions establishing that a reserve police officer, regardless of whether the reserve police officer is a peace officer, is not eligible for participation in any program provided by the governing body of the applicable municipality that is normally considered a financial benefit of full-time employment or for any pension fund created by state law for the benefit of full-time paid peace officers or exempt from the applicability of the Private Security Act by removing the specification that those provisions apply regardless of whether the reserve police officer is a peace officer.

C.S.H.B. 3846 amends the Water Code to do the following with respect to members of a volunteer police reserve force established by a navigation district:

- removes the authorization for a reserve force member who is not a peace officer to act as a peace officer only during the discharge of official duties;
- revises the requirement for a reserve force member who is a peace officer to hold a permanent peace officer license issued under applicable Occupations Code provisions by removing the specification that the reserve force member is a peace officer;
- removes the authorization, on approval of the appointment of a person who is not a peace officer to a reserve force, for the person appointed to carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer;
- revises the authorization for a chief of police, on approval of the appointment of a person who is a peace officer to a reserve force, to authorize the person appointed to carry a weapon or act as a peace officer at all times, regardless of whether the person is engaged in the discharge of official duties, or to limit the person's authority to carry a weapon or act as a peace officer to only those times during which the person is engaged in the discharge of official duties by removing the specification that the person appointed is a peace officer; and
- revises provisions establishing that a reserve police officer, regardless of whether the reserve police officer is a peace officer, is not eligible for participation in a program provided by the navigation and canal commission of the applicable navigation district that is normally considered a financial benefit of full-time employment or a pension fund created by state law for the benefit of full-time paid peace officers or exempt from the applicability of the Private Security Act by removing the specification that those provisions apply regardless of whether the reserve police officer is a peace officer.

C.S.H.B. 3846 amends the Occupations Code to require the chief administrative officer of a law enforcement agency that appoints a person as a non-full-time officer under the following provisions or the chief administrative officer's designee, at the interval prescribed by rule of the Texas Commission on Law Enforcement (TCOLE), to submit a report to TCOLE on the employment activities of such a non-full-time officer who for compensation provides security services or similar services for or to a person, other than the law enforcement agency that appointed the officer:

- Local Government Code provisions relating to sheriffs;
- Local Government Code provisions relating to constables;
- Local Government Code provisions relating to municipal law enforcement;
- Water Code provisions applicable to all applicable water districts; or
- Water Code provisions relating to navigation districts generally.

The bill requires the report to include the following, with respect to the officers:

- the number of officers appointed by the agency;
- if applicable, the number of officers the agency is authorized to appoint by the governing body of the agency;
- for each officer appointed by the agency, the number of hours the officer provided services for or to:
  - the law enforcement agency that appointed the officer; and
  - any other person; and
- the counties in which the officer provided services for or to a person who is not the law enforcement agency that appointed the officer and, if those services required travel through multiple counties, the county in which the work began and ended.

The requirement to report the counties in which an applicable officer provided services to a person who is not the law enforcement agency that appointed the officer and, if those services required travel through multiple counties, the county in which the work began and ended does not apply to services provided entirely in the county or counties in which the appointing law enforcement agency is located. The bill requires TCOLE to adopt rules necessary to implement these provisions and, not later than September 1, 2026, to submit to the speaker of the house of representatives, the chair of the committee in the house of representatives with primary jurisdiction over homeland security, the lieutenant governor, and the chair of the senate committee with primary jurisdiction over criminal justice a report summarizing the reports received by TCOLE under these provisions. The report submitted by TCOLE must not contain any identifying information on officers. The requirement for TCOLE to submit this report expires on September 1, 2035.

C.S.H.B. 3846 repeals Section 341.012(f), Local Government Code.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3846 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits provisions from the introduced that did the following with respect to reserve deputy sheriffs appointed by a sheriff and reserve deputy constables appointed by a constable:

- prohibited a reserve deputy or a reserve deputy constable, as applicable, from performing an action for which a license is required under the Private Security Act unless the deputy is licensed in accordance with that act;

- prohibited a sheriff or a constable from authorizing a reserve deputy or a reserve deputy constable, as applicable, to perform an activity requiring the use of a police vehicle outside the applicable county if the activity is for private gain; and
- authorized a sheriff or a constable to authorize a reserve deputy or a reserve deputy constable, as applicable, to conduct a police escort only if the escort begins or ends in the applicable county.

Additionally, the introduced removed the provision establishing that a reserve deputy and a reserve deputy constable are not exempt from applicability of the Private Security Act, whereas the substitute does not remove that provision.

The substitute omits provisions from the introduced that did the following with respect to members of a police reserve force established by the governing body of a municipality:

- prohibited a reserve police officer from performing an action for which a license is required under the Private Security Act unless the officer is licensed in accordance with that act;
- prohibited a chief of police from authorizing a reserve police officer to perform an activity requiring the use of a police vehicle outside a county in which the applicable municipality is wholly or partly located if the activity is for private gain; and
- authorized a chief of police to authorize a reserve police officer to conduct a police escort only if the escort begins or ends in a county in which the municipality is wholly or partly located.

Additionally, the introduced removed the provision establishing that a reserve police officer is not exempt from the applicability of the Private Security Act, whereas the substitute does not remove that provision.

The substitute omits the provision from the introduced that removed the exemption from the applicability of the Private Security Act of a reserve peace officer while the reserve officer is performing guard, patrolman, or watchman duties for a county and is being compensated solely by that county.

The substitute omits provisions from the introduced that did the following with respect to members of a volunteer police reserve force established by a navigation district:

- prohibited a reserve police officer from performing an action for which a license is required under the Private Security Act unless the officer is licensed in accordance with that act;
- prohibited a chief of police from authorizing a reserve police officer to perform an activity requiring the use of a police vehicle outside a county in which the applicable navigation district is wholly or partly located if the activity is for private gain; and
- authorized the chief of police to authorize a reserve police officer to conduct a police escort, only if the escort begins or ends in a county in which the applicable navigation district is wholly or partly located.

Additionally, the introduced removed the provision establishing that a reserve police officer is not exempt from the applicability of the Private Security Act, whereas the substitute does not remove that provision.

The substitute includes provisions absent from the introduced that do the following:

- require the chief administrative officer of an applicable law enforcement agency or the chief administrative officer's designee, at the interval prescribed by TCOLE rule, to submit a report to TCOLE on the employment activities of an applicable non-full-time officer who for compensation provides security services or similar services for or to a person, other than the law enforcement agency that appointed the officer;
- require the report to include, with respect to the officers:
  - the number of officers appointed by the agency;
  - if applicable, the number of officers the agency is authorized to appoint by the governing body of the agency;

- for each officer appointed by the agency, the number of hours the officer provided services for or to:
  - the law enforcement agency that appointed the officer; and
  - any other person; and
- the counties in which the officer provided services for a person who is not the law enforcement agency that appointed the officer and, if those services required travel through multiple counties, the county in which the work began and ended;
- establish that the requirement to report the counties in which an applicable officer provided services for or to a person who is not the law enforcement agency that appointed the officer and, if those services required travel through multiple counties, the county in which the work began and ended does not apply to services provided entirely in the county or counties in which the appointing law enforcement agency is located;
- require TCOLE to adopt rules necessary to implement the substitute's provisions relating to reporting requirements for non-full-time officers;
- require TCOLE, not later than September 1, 2026, to submit to the speaker of the house, the chair of the committee in the house of representatives with primary jurisdiction over homeland security, the lieutenant governor, and the chair of the senate committee with primary jurisdiction over criminal justice a report summarizing the reports received by TCOLE;
- prohibit the report submitted by TCOLE from containing any identifying information on officers; and
- establish that the requirement for TCOLE to submit this report expires on September 1, 2035.

The substitute changes the bill's effective date to provide for its possible immediate effect, contingent on receiving the requisite constitutional vote, whereas the introduced provided only for the bill to take effect September 1, 2025, with no possibility for immediate effect.