

By: Louderback

H.B. No. 3846

Substitute the following for H.B. No. 3846:

By: Hefner

C.S.H.B. No. 3846

A BILL TO BE ENTITLED

AN ACT

relating to peace officers, including reserve peace officers, and the employment activities of those officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 85.004(b), Local Government Code, is amended to read as follows:

(b) A reserve deputy serves at the discretion of the sheriff and may be called into service if the sheriff considers it necessary to have additional officers to preserve the peace and enforce the law. The sheriff may authorize a reserve deputy ~~[who is a peace officer as described by Article 2A.001, Code of Criminal Procedure,~~ to carry a weapon or act as a peace officer at all times, regardless of whether the reserve deputy is engaged in the actual discharge of official duties, or may limit the authority of the reserve deputy to carry a weapon or act as a peace officer to only those times during which the reserve deputy is engaged in the actual discharge of official duties. A reserve deputy ~~[who is not a peace officer as described by Article 2A.001, Code of Criminal Procedure, may act as a peace officer only during the actual discharge of official duties. A reserve deputy, regardless of whether the reserve deputy is a peace officer as described by Article 2A.001, Code of Criminal Procedure,~~ is not:

(1) eligible for participation in any program provided by the county that is normally considered a financial benefit of

1 full-time employment or for any pension fund created by statute for  
2 the benefit of full-time paid peace officers; or

3 (2) exempt from Chapter 1702, Occupations Code.

4 SECTION 2. Section 86.012(b), Local Government Code, is  
5 amended to read as follows:

6 (b) A reserve deputy constable serves at the discretion of  
7 the constable and may be called into service at any time that the  
8 constable considers it necessary to have additional officers to  
9 preserve the peace and enforce the law. The constable may authorize  
10 a reserve deputy constable ~~[who is a peace officer as described by~~  
11 ~~Article 2A.001, Code of Criminal Procedure,~~] to carry a weapon or  
12 act as a peace officer at all times, regardless of whether the  
13 reserve deputy constable is engaged in the actual discharge of  
14 official duties, or may limit the authority of the reserve deputy  
15 constable to carry a weapon or act as a peace officer to only those  
16 times during which the reserve deputy constable is engaged in the  
17 actual discharge of official duties. A reserve deputy constable  
18 ~~[who is not a peace officer as described by Article 2A.001, Code of~~  
19 ~~Criminal Procedure, may act as a peace officer only during the~~  
20 ~~actual discharge of official duties. A reserve deputy constable,~~  
21 ~~regardless of whether the reserve deputy constable is a peace~~  
22 ~~officer as described by Article 2A.001, Code of Criminal~~  
23 ~~Procedure,~~] is not:

24 (1) eligible for participation in any program provided  
25 by the county that is normally considered a financial benefit of  
26 full-time employment or for any pension fund created by statute for  
27 the benefit of full-time paid peace officers; or

(2) exempt from Chapter 1702, Occupations Code.

SECTION 3. Sections 341.012(g) and (h), Local Government Code, are amended to read as follows:

(g) An appointment to the reserve force must be approved by the governing body before the person appointed may carry a weapon or otherwise act as a peace officer. ~~[On approval of the appointment of a member who is not a peace officer as described by Article 2A.001, Code of Criminal Procedure, the person appointed may carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer.]~~

(h) Reserve police officers may act only in a supplementary capacity to the regular police force and may not assume the full-time duties of regular police officers without complying with the requirements for regular police officers. On approval of the appointment of a member ~~[who is a peace officer as described by Article 2A.001, Code of Criminal Procedure]~~, the chief of police may 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 may 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. A reserve police officer~~[regardless of whether the reserve police officer is a peace officer as described by Article 2A.001, Code of Criminal Procedure]~~ is not:

(1) eligible for participation in any program provided by the governing body that is normally considered a financial

benefit of full-time employment or for any pension fund created by statute for the benefit of full-time paid peace officers; or

(2) exempt from Chapter 1702, Occupations Code.

SECTION 4. Chapter 1701, Occupations Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. REPORTING REQUIREMENTS FOR NON-FULL-TIME OFFICERS

Sec. 1701.721. REPORTING REQUIREMENTS FOR NON-FULL-TIME OFFICERS. (a) This section applies to a law enforcement agency that appoints a person as a non-full-time officer under:

(1) Chapter 85, Local Government Code;

(2) Chapter 86, Local Government Code;

(3) Chapter 341, Local Government Code; or

(4) Chapter 49 or 60, Water Code.

(b) At the interval prescribed by commission rule, the chief administrative officer of a law enforcement agency to which this section applies or the chief administrative officer's designee shall submit a report to the commission on the employment activities of an officer described by Subsection (a) who for compensation provides security services or similar services for or to a person, other than the law enforcement agency that appointed the officer. The report must include, with respect to the officers:

(1) the number of officers appointed by the agency;

(2) if applicable, the number of officers the agency is authorized to appoint by the governing body of the agency;

(3) for each officer appointed by the agency, the number of hours the officer provided services for or to:

(A) the law enforcement agency that appointed the

officer; and

(B) any other person; and

(4) the counties in which the officer provided services described by Subdivision (3)(B) and, if those services required travel through multiple counties, the county in which the work began and ended.

(c) The reporting requirement under Subsection (b)(4) does not apply to services provided entirely in the county or counties in which the appointing law enforcement agency is located.

(d) The commission shall adopt rules necessary to implement this section.

(e) Not later than September 1, 2026, the commission shall 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 the commission under this section. The report must not contain any identifying information on officers. This subsection expires on September 1, 2035.

SECTION 5. Sections 60.0775(f), (g), and (i), Water Code, are amended to read as follows:

(f) A reserve force member ~~[who is not a peace officer as described by Article 2A.001, Code of Criminal Procedure, may act as a peace officer only during the discharge of official duties. A reserve force member who is a peace officer under that article]~~ must hold a permanent peace officer license issued under Chapter 1701,

Occupations Code.

(g) The commission must approve an appointment to the reserve force before the person appointed may carry a weapon or otherwise act as a peace officer. ~~[On approval of the appointment of a person who is not a peace officer as described by Article 2A.001, Code of Criminal Procedure, the person appointed may carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer.]~~ On approval of the appointment of a person ~~[who is a peace officer as described by Article 2A.001, Code of Criminal Procedure]~~, the chief of police may:

(1) 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

(2) 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.

(i) A reserve police officer~~[, regardless of whether the reserve police officer is a peace officer as described by Article 2A.001, Code of Criminal Procedure,~~] is not:

(1) eligible for participation in:

(A) a program provided by the commission that is normally considered a financial benefit of full-time employment; or

(B) a pension fund created by statute for the benefit of full-time paid peace officers; or

(2) exempt from Chapter 1702, Occupations Code.

SECTION 6. Section 341.012(f), Local Government Code, is

1 repealed.

2       SECTION 7. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2025.