

BILL ANALYSIS

C.S.H.B. 3212

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Emerging Issues In Texas Law Enforcement, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that there is a need to address a discrepancy between state and federal law regarding the carrying of concealed firearms by qualified retired law enforcement officers, specifically with regard to the eligibility requirement under federal law that the officer carry photo identification issued by the agency from which the officer separated from service. Although state law provides for the issuance of identification cards to honorably retired peace officers who meet weapons proficiency requirements, the parties raise concerns that there is no similar mechanism for the issuance of identification cards to other qualified retired law enforcement officers. C.S.H.B. 3212 seeks to remedy this situation.

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. 3212 amends the Government Code to require, on the request of a qualified retired law enforcement officer who holds a certificate of weapons proficiency for certain retired or former peace officers and law enforcement officers, the law enforcement agency or other governmental entity in Texas that was the last entity to appoint or employ the qualified retired law enforcement officer as a peace officer to issue an identification card to the qualified retired law enforcement officer. The bill sets out the required contents and printed material of the identification card and requires the head of a law enforcement agency or other governmental entity that issues the identification card to recover the identification card on the date the identification card expires. The bill replaces the authorization for a law enforcement agency or other governmental entity issuing a duplicate identification card to a peace officer, reserve law enforcement officer, or honorably retired peace officer as a result of a lost or stolen card to require the officer to submit an affidavit stating that the card was lost or stolen and issue a duplicate identification card to the officer with the requirement that the law enforcement agency or other governmental entity that issued the lost or stolen identification card issue a duplicate identification card to the officer if the officer submits such an affidavit. The bill includes a qualified retired law enforcement officer among the officers to whom a law enforcement agency or other governmental entity that issues an identification card that is lost or stolen must issue a duplicate identification card.

EFFECTIVE DATE

September 1, 2015.

84R 25029

15.111.1189

Substitute Document Number: 84R 21829

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3212 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 614.121, Government Code, as added by Chapter 938 (H.B. 3613), Acts of the 80th Legislature, Regular Session, 2007, is amended.

SECTION 2. Subchapter H, Chapter 614, Government Code, as added by Chapter 938 (H.B. 3613), Acts of the 80th Legislature, Regular Session, 2007, is amended.

SECTION 3. Section 614.127, Government Code, is amended to read as follows:

Sec. 614.127. **LOST OR STOLEN CARDS.** If an identification card issued under this subchapter is lost or stolen, the law enforcement agency or other governmental entity issuing the card may:

(1) require a peace officer, reserve law enforcement officer, [or] honorably retired peace officer, or qualified retired law enforcement officer to submit an affidavit executed by the peace officer, reserve law enforcement officer, [or] honorably retired peace officer, or qualified retired law enforcement officer to the law enforcement agency or other governmental entity issuing the card stating that the identification card was lost or stolen; and

(2) issue a duplicate identification card to the peace officer, reserve law enforcement officer, [or] honorably retired peace officer, or qualified retired law enforcement officer.

SECTION 4. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Substantially the same as introduced version.

SECTION 3. Section 614.127, Government Code, is amended to read as follows:

Sec. 614.127. **LOST OR STOLEN CARDS.** If an identification card issued under this subchapter is lost or stolen, the law enforcement agency or other governmental entity that issued [issuing] the card to the peace officer, reserve law enforcement officer, honorably retired peace officer, or qualified retired law enforcement officer shall issue a duplicate identification card to the officer if the [may:

~~[(1) require a peace officer, reserve law enforcement officer, or honorably retired peace] officer submits [to submit] an affidavit executed by the [peace officer, reserve law enforcement officer, or honorably retired peace] officer to the law enforcement agency or other governmental entity [issuing the card] stating that the identification card was lost or stolen[; and [(2) issue a duplicate identification card to the peace officer, reserve law enforcement officer, or honorably retired peace officer].~~

SECTION 4. Same as introduced version.