

SUBJECT: License reactivation requirements for a non-retired peace officer

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 7 ayes — Merritt, Frost, Burnam, Lewis, Mallory Caraway, Rodriguez, Vo  
0 nays  
2 absent — Driver, P. King

WITNESSES: For — None

Against — (*Registered, but did not testify*: Bill Elkin, Houston Police Retired Officers Association)

On — (*Registered, but did not testify*: Timothy Braaten, Texas Commission on Law Enforcement Officers Standards and Education)

BACKGROUND: In 2007, the 80th Legislature enacted HB 1955 by Elkins to add Occupations Code, sec. 1701.3161, which allowed retired peace officers to reactivate their licenses from the Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) by completing required TCLEOSE continuing education requirements rather than by taking the commission's qualifying examination. HB 1955 defined a retired peace officer as one who was no longer employed as a law enforcement officer and is eligible to retire and receive a pension or annuity from a law enforcement agency.

DIGEST: HB 2989 would amend Occupations Code, sec. 1701.3161 to allow those previously licensed as a peace officer with a advanced proficiency certificate, but who are not eligible for retirement, to reactive their TCLEOSE license by completing the required continuing education requirements.

The bill would provide that this reactivation process would not be allowed for any peace officer whose license had been previously revoked by TCLEOSE.

The bill would take effect on September 1, 2009.

**SUPPORTERS  
SAY:**

HB 2989 would help expand the pool of eligible and qualified law enforcement applicants, particularly for smaller municipalities. These agencies cannot pay as well as larger cities and so have a difficult time recruiting officers. Some former officers may have worked for one or two departments but left without accumulating enough service time to qualify for retirement. The bill would allow these otherwise experienced and qualified officers an opportunity to reactivate their licenses and join a small police department.

HB 2989 would strengthen state law provisions against so-called gypsy cops who move from agency to agency for short periods of time, often to avoid disciplinary action. Last session, the Legislature required law enforcement agencies to file information with TCLEOSE on separations of peace officers and to indicate whether the discharge was honorable, general, or dishonorable. The bill would not permit easy reactivation of a license that had been revoked.

**OPPONENTS  
SAY:**

HB 2989 is unnecessary and so narrowly tailored that it would apply in very few situations, possibly for the benefit of just one individual. A former police officer who has not qualified for retirement already can complete the continuing education requirements and qualify for a new TCLEOSE license by taking the qualifying examination. The Legislature should not add exemptions to TCLEOSE standards and policies that maintain the professionalism of peace officers in Texas.