

## **BILL ANALYSIS**

Senate Research Center  
76R11304 PEP-D

C.S.H.B. 957  
By: Uher (Whitmire)  
Intergovernmental Relations  
4/15/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law establishes that reserve police officers, reserve deputies, and reserve deputy constables in Texas are not classified as “peace officers,” even though they have been required since 1989 to undergo the same amount of training as regular, full-time officers, and are required to obtain their peace officer license. Therefore, these officers or deputies are unable to assist on-duty officers in arrests and are unable to carry their weapons while off-duty without being subject to prosecution for unlawfully carrying a weapon. C.S.H.B. 957 includes reserve police officers, reserve deputies, and reserve deputy constables as peace officers. This bill does not exempt those officers or deputies from the Private Investigators and Private Security Agencies Act or make them eligible for benefits that a full-time peace officer receives.

### **PURPOSE**

As proposed, C.S.H.B. 957 establishes provisions regarding the law enforcement authority and status of a reserve deputy, a reserve deputy constable, and a reserve municipal police officer.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 2.12, Code of Criminal Procedure, to set forth those who are peace officers, including certain reserve officers, constables, and deputies. Makes conforming changes.

SECTION 2. Amends Sections 85.004(a) and (b), Local Government Code, to authorize the sheriff to authorize a reserve deputy who is a peace officer to carry a weapon, either at all times or at limited times during the actual discharge of official duties. Provides that a reserve deputy who is not a peace officer is authorized to act as a peace officer only during the actual discharge of official duties. Provides that a reserve deputy who is not a peace officer is not eligible for certain employment or exempt from the Private Investigators and Private Security Agencies Act. Deletes text regarding certain reserve deputies that may be called upon to serve as peace officers.

SECTION 3. Amends Sections 86.012(a) and (b), Local Government Code, to authorize the constable to authorize a reserve deputy constable who is a peace officer to carry a weapon, either at all times or at limited times during the actual discharge of official duties. Provides that a reserve deputy constable who is not a peace officer is authorized to act as a peace officer only during the actual discharge of official duties. Provides that a reserve deputy constable who is not a peace officer is not eligible for certain employment or exempt from the Private Investigators and Private Security Agencies Act. Deletes text regarding certain reserve deputy constables that may be called upon to serve as peace officers.

SECTION 4. Amends Sections 341.012(f), (g), and (h), Local Government Code, to authorize the chief of police to authorize a person, on approval of the appointment of a member who is a peace officer, to carry a weapon, either at all times or at limited times during the actual discharge of official duties. Authorizes 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. Provides that a reserve police officer is not eligible for certain employment or exempt from the Private Investigators and Private Security Agencies Act. Makes conforming changes.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.

**SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Article 2.12, Code of Criminal Procedure, to delete proposed Subsection (30).

SECTION 2.

Amends Sections 85.004(b), Code of Criminal Procedure, to authorize the sheriff to authorize a reserve deputy who is a peace officer to carry a weapon, either at all times or at limited times during the actual discharge of official duties. Makes nonsubstantive changes.

SECTION 3.

Amends Sections 86.012(b), Code of Criminal Procedure, to authorize the constable to authorize a reserve deputy constable who is a peace officer to carry a weapon, either at all times or at limited times during the actual discharge of official duties. Makes nonsubstantive changes.

SECTION 4.

Amends Sections 341.012(f) and (h), Local Government Code, to authorize the chief of police to authorize a person, on approval of the appointment of a member who is a peace officer to carry a weapon, either at all times or at limited times during the actual discharge of official duties. Makes conforming changes.

SECTION 5.

Deletes proposed SECTION 5. Renumbers subsequent SECTIONS.