

BILL ANALYSIS

Senate Research Center
79R15076 YDB-D

H.B. 2769
By: Talton (Whitmire)
Criminal Justice
5/18/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, when a peace officer or former peace officer passes away, his family is provided with a state flag at no cost by the Commission on Law Enforcement Officer Standards and Education. The law makes no distinction between officers who retire honorably and those who are terminated for cause. Many believe that the honor of receiving the state flag should be reserved to those who retired honorably.

H.B. 2769 provides that the family of a peace officer who honorably retires will receive the state flag upon that officer's passing.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 615.105(a), Government Code, to provide that this section applies to an honorably retired peace officer, rather than individual, who formerly was elected, appointed, or employed as a peace officer by the state or a political subdivision of the state under Article 2.12, Code of Criminal Procedure, and voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state.

SECTION 2. Amends Section 191.025(f), Health and Safety Code, to amend the question required to be included on the form for the registration of deaths.

SECTION 3. Amends Section 651.409, Occupations Code, to require a funeral director who prepares a deceased peace officer for burial or other disposition to make every effort to advise the next of kin of the officer that the next of kin of a person who at the time of death was a peace officer or an honorably retired, rather than former, peace officer who voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state is eligible on request to receive a state flag from the Commission on Law Enforcement Officer Standards and Education.

SECTION 4. Amends Section 1701.161(a), Occupations Code, to make a conforming change.

SECTION 5. Provides that the Department of State Health Services is not required to implement Section 191.025(f), Health and Safety Code, as amended by this Act, until the next time at which the department is otherwise requiring a revision to the form for the registration of deaths.

SECTION 6. Effective date: September 1, 2005.