

SUBJECT: Allowing DPS officers to purchase uniform for off-duty wear

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 6 ayes — Oakley, Bailey, Carter, Driver, Luna, Madden

0 nays

3 absent — Allen, Edwards, McCoulskey

WITNESSES: For — Mario Martinez, Texas State Troopers' Association

Against — None

DIGEST: CSHB 2226 would allow Department of Public Safety (DPS) officers to purchase a uniform, excluding a handgun or other weapon, to wear while providing law enforcement services for a person or entity other than the DPS. Officers would pay the fair market value for the uniform, as determined by DPS, and would be reimbursed the fair market value of the uniform when required to return it upon leaving DPS.

Officers wearing a purchased uniform could not act in a manner that adversely affects the operation or reputation of the DPS. The DPS would be required to adopt guidelines regarding the types of law enforcement services for which an officer could purchase and wear a uniform and standards of behavior for officers wearing purchased uniforms.

The Texas Tort Claims Act would not apply to the negligence of an officer not on active duty, whether wearing a purchased uniform or not. The bill would take effect September 1, 1995.

SUPPORTERS SAY: CSHB 2226 would allow DPS officers to more effectively deter criminals while providing law enforcement services, such as a bank security guard services, by wearing an official uniform. In addition, CSHB 2226 would put DPS officers on par with municipal and county officers who are already allowed to wear their uniforms as security guards. Security guard employers now preferentially hire and pay higher wages to municipal and

county employees whose uniforms provide a greater deterrent than any security guard uniform could.

CSHB 2226 would afford the state protection from liability in the event the officer is negligent while performing off-duty security guard services. The standards of the DPS would also be protected by guidelines that would likely prohibit officers from working in inappropriate settings, such as bars, that might adversely affect the reputation of the DPS. The DPS would also be required to adopt standards of behavior for officers purchasing uniforms and can be depended on to protect the integrity of the DPS.

OPPONENTS  
SAY:

No apparent opposition

NOTES:

The committee substitute required that the officer purchase the uniform and not act in a manner that might adversely affect the DPS and would limit the liability of the DPS.