

- SUBJECT:** Presentation of state flag to survivors of deceased peace officers
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 13 ayes — Wolens, S. Turner, Bailey, Brimer, Counts, Craddick, Danburg, Hunter, Longoria, Marchant, McCall, McClendon, Merritt
- 0 nays
- 2 absent — Hilbert, D. Jones
- WITNESSES:** For — Douglas M. Hudson; *Registered but did not testify:* Mark Clark, Houston Police Officers' Union, Dallas Police Association; Claude Hart, Texas State Troopers Association; Deborah Ingersoll, Texas State Troopers Association; James Lange, Texas State Troopers Association; Kevin Lawrence, Texas Municipal Police Association; Rebecca Radcliff, Combined Law Enforcement Associations of Texas; Stephen Sanders, Texas State Lodge of Fraternal Order Police, Houston Police Patrolmen's Union; Michael Sheffield, Austin Police Association; Ray Shotwell
- Against — None
- On — Craig Campbell, Texas Commission on Law Enforcement Officer Standards and Education
- BACKGROUND:** When an active member or veteran of the U.S. military service dies, a funeral director can obtain that information from the death certificate and complete a form requesting a U.S. flag. Upon presentation of the completed form at any post office, the post office will give the funeral director a U.S. flag in recognition of the deceased's military service. The flag is readily available for use in connection with the deceased's funeral, burial service, or other ceremony. Upon request, the family of a deceased veteran also can be presented with a U.S. flag by an honor guard.
- DIGEST:** CSHB 815 would add sec. 615.105 to the Government Code to set forth conditions and guidelines for the presentation of a state flag to the survivors of deceased peace officers. The bill would require that the state provide, at

no cost, on the death of an active or retired peace officer, a state flag that has flown over the Capitol and a letter from the office of the governor expressing condolences and gratitude on behalf of the governor and the people of Texas for the officer's service as a Texas peace officer. The state flag would be presented by a state representative or a representative of the political subdivision in which the individual served as a peace officer. The provisions of this bill would apply regardless of whether the peace officer died in the course of duty.

The bill would require a funeral director to make reasonable efforts to determine whether a deceased person being prepared for burial or other disposition was a peace officer. A funeral director who knew or suspected a deceased person was a peace officer would have to contact the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to verify the status of the individual as an active or retired peace officer at the time of the individual's death and to determine with whom the individual served as a peace officer. A funeral director also would have to notify, not later than the 30th day after the date that the funeral director learned of the individual's death, the state or the political subdivision in which the individual most recently served as a peace officer of the individual's death.

When TCLEOSE was notified of a peace officer's death, it would have to promptly notify the office of the governor, the state representative, and the state senator for the district in which the deceased officer most recently resided.

This legislation would take effect September 1, 2001. It would apply only to a peace officer who died on or after September 1, 2001. Further, it would apply only to a funeral director who prepares a deceased person for burial or other disposition on or after September 1, 2001.

**SUPPORTERS
SAY:**

CSHB 815 would provide one small way for Texas to honor its peace officers. With few exceptions, regardless of whether they died in the line of duty, active or retired peace officers have the honor of a military-style ceremony as part of their funerals. Police officers with prior military service have a U.S. flag draped over their coffins. In Texas, however, many police officers are not U.S. military veterans. This bill would be a way of properly

recognizing these peace officers' service to the state by presenting a state flag to their survivors.

The fiscal note to CSHB 815 says there would be no significant fiscal impact to the state. Costs of implementation would be minimized because under current law, TCLEOSE can use any donated funds (e.g., those from memorials) to buy the flags.

OPPONENTS
SAY:

While HB 815 would accomplish a worthy goal, it should specify a delivery method for the state flag for deceased peace officers similar to the federal system's distribution of U.S. flags for deceased veterans. One suggestion would be that the Department of Public Safety be charged with distributing the Texas flags.

Another concern is that funeral directors might not be able to reach TCLEOSE for verification that the deceased person was a peace officer within a short time frame. Funeral directors frequently must prepare a body for viewing in less than 24 hours and often over a weekend, and the flag may not be available in time. One possibility for obtaining verification of service more expediently would be to include a place for such data on the state death certificate, similar to the request for information about military service.

NOTES:

The committee substitute specified that the state flag be flown over the Capitol and that the letter of condolences and gratitude be from the office of the governor. It added the requirement that a funeral director notify the state or the political subdivision in which the individual most recently served not later than the 30th day after the date the funeral director learned of the individual's death. The substitute also would require that TCLEOSE, if notified of the death of a current or retired peace officer, promptly inform the office of the governor, as well as the state representative and state senator for the district in which the deceased officer most recently resided.

The companion bill, SB 1211 by Whitmire, was reported favorably by the State Affairs Committee on April 11 and recommended for the Local and Uncontested Calendar.