

SUBJECT: Allowing navigation districts to establish a volunteer police reserve force

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Krusee, Phillips, Callegari, Casteel, Deshotel, Hamric, West

0 nays

2 absent — Flores, Hill

WITNESSES: For — Luther S. Kim, Port of Corpus Christi

Against — None

BACKGROUND: Under Water Code, ch. 60, subch. D, the regulatory powers of navigation districts include the power to prohibit loitering on docks, to control the operation of all types of vessels using harbors, to prohibit explosive substances on docks, and to prevent certain crimes on the district's property. Some navigation districts in Texas have their own police departments, but navigation districts currently are not authorized to establish reserve police forces.

Under the Local Government Code, those authorized to establish reserve forces include sheriffs (sec. 85.004), constables (sec. 86.012), and municipalities (sec. 341.012).

Occupations Code, ch. 1702, the Private Security Act, establishes standards for regulating private security personnel.

DIGEST: HB 340 would authorize navigation districts that have police departments to establish volunteer police reserve forces. The bill would allow a navigation district's commission to determine the size of and the qualification and training standards for the reserve force.

The police chief would have the authority to appoint reserve officers and to call the reserve force into service. Before a reserve officer could be authorized to carry a weapon or act as a peace officer, the commission would have to approve the appointment. Reserve officers would receive no pay and would not be classified as navigation district employees.

Reserve officers would not be authorized to assume full-time duties of regular police officers but would be authorized to act only to supplement the full-time police officers.

The bill would require different treatment of reserve officers who were peace officers and those who were not peace officers. Reserve officers who were not peace officers would be authorized to act as peace officers or to carry weapons only while performing their official duties. The chief could allow reserve officers who were peace officers to carry weapons or act as peace officers at all times, even when not engaged in official duties.

Reserve officers, whether peace officers or not, would not be exempt from Occupations Code, ch. 1702, the Private Security Act.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

To secure Texas' coastline, several large navigation districts, such as the Port of Houston and the Port of Corpus Christi, have established police departments. On occasions such as high-water-traffic holidays and times of increased threats, a navigation district's police department may need more officers than usual. They cannot afford, however, to keep extra officers on the payroll for those infrequent but important occasions when they are needed. Allowing these police departments to appoint reserve officers would help fill this need.

Constables, sheriffs, and municipalities already may establish reserve forces. Navigation districts would benefit from reserve forces in the same way that these other entities do. Reserve officers typically would work a couple of days each month to maintain their skills and would be available whenever the police chief identified a need for increased police forces.

Under sec. 1701.352(e) of the Occupations Code, the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) is authorized to require navigation districts to offer training and education courses in civil rights, racial sensitivity, and cultural diversity, so reserve officers could receive advanced training.

Reserve officers would not receive government benefits and would not be eligible for a peace officer's pension. They would provide an inexpensive way to ensure the safety of Texas' coastline.

OPPONENTS
SAY:

The clear language of the bill makes reserve officers subject to the Private Security Act, so reserve officers would be classified as security officers, rather than peace officers, under the bill. Security officers are not required to be certified by TCLEOSE. This could mean reserve officers who were not peace officers would be authorized to make arrests and to carry weapons while on duty but would not be required to undergo advanced training. A reserve officer with inadequate training could endanger the community and expose the navigation district to liability.

Further reinforcing that reserve officers need not be peace officers is the language of subsec. (f), which states that "a reserve force member who is not a peace officer...may act as a peace officer only during the discharge of official duties."

The bill also states in subsec. (b) that the authority to establish qualifications and training standards for reserve officers would rest with the navigation district's commission. TCLEOSE sets standards and qualifications for peace officers. Allowing the commission's standards, rather than the TCLEOSE standards, to govern would allow a commission to adopt standards less than those of TCLEOSE, including not requiring reserve officers to become TCLEOSE-certified peace officers.