

BILL ANALYSIS

Senate Research Center

C.S.H.B. 815
By: Bailey (Whitmire)
State Affairs
5/6/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, the family of a deceased veteran is presented with a United States flag by an honor guard, upon request. However, current Texas law does not provide for the presentation of the state flag to the family of a deceased peace officer. H.B. 815 provides for the presentation of the state flag to the family of a deceased peace officer.

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 Chapter 615E, Government Code, by adding Section 615.105, as follows:

Sec. 615.105. PRESENTATION OF STATE FLAG. (a) Provides that this section applies only to certain persons.

(b) Authorizes an individual's next of kin, on the death of an individual listed in Subsection (a), regardless of whether the individual died in the course of duty as a peace officer, to receive on request a state flag from the Commission on Law Enforcement Officer Standards and Education (commission.)

(c) Requires the office of the governor, if notified of the death of an individual listed in Subsection (a) by the commission under Section 1701.160, Occupations Code, to send to the individual's next of kin a certificate that expresses condolences and gratitude on behalf of the governor and the people of Texas for the individual's service as a Texas peace officer.

SECTION 2. Amends Chapter 497B, Government Code, by adding Section 497.031, as follows:

Sec. 497.031. SALE OF STATE FLAGS TO STATE AGENCY. Requires the Texas Department of Criminal Justice (department) to sell state flags to the commission at a certain price.

SECTION 3. Amends Section 191.025, Health and Safety Code, by adding Subsection (f) to require the Texas Department of Health (department) to require that the form for the registration of deaths include the question, "Was the decedent ever a peace officer in this state?"

SECTION 4. Amends Chapter 651I, Occupations Code, by adding Section 651.408, as follows:

Sec. 651.408. NOTICE OF NEXT OF KIN OF DECEASED PEACE OFFICER. Requires 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 was a peace officer or a former peace officer at the time of death is eligible on request to receive a state flag from the commission at no cost to the next of kin.

SECTION 5. Amends Chapter 1701D, Occupations Code, by adding Section 1701.160, as follows:

Sec. 1701.160. PROVISION OF STATE FLAG TO NEXT OF KIN OF DECEASED PEACE OFFICER. Requires the commission, if the next of kin of a deceased peace officer requests a state flag, to perform certain functions. Authorizes the commission to apply for and accept gifts and grants from certain entities on behalf of the Texas peace officer flag account. Requires the commission to deposit any gift or grant accepted by the commission under this Section to the credit of the Texas peace officer flag account. Provides that the Texas peace officer flag account is a special account in the general revenue fund. Authorizes money in the account to be appropriated only to the commission for the purpose of implementing this section. Requires interest earned on money in the account to be credited to the account.

SECTION 6. Provides that the Texas Department of Health is not required to implement Section 191.025(f), Health and Safety Code, as added 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 7. Effective date: September 1, 2001. Makes application of Section 615.105, Government Code, as added by this Act, prospective regarding a current or former peace officer who dies on or after September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Amends As Filed H.B. 815 as follows:

SECTION 1. Omits original Sections 615.105(a)(1) and (2) regarding firefighters. Omits original Subsections (b) and (c) and adds new Subsections (b) and (c).

Omits original SECTIONS 2 - 5. Adds new SECTIONS 2 - 7.