

BILL ANALYSIS

Senate Research Center
77R10297 ATP-D

C.S.S.B. 1211
By: Whitmire
State Affairs
4/10/2001
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, but under Texas law there are no provisions for the presentation of the state flag to the family of a deceased peace officer or retired peace officer. C.S.S.B. 1211 provides for the presentation of the state flag to the families of deceased or retired peace officers.

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) Sets forth provisions regarding the application of this section.

(b) Requires the state, 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 provide, at no cost, to the individual's next of kin a state flag that has flown over the Capital 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.

(c) Requires that the state flag be presented from the office of the governor to the individual's next of kin by certain persons.

SECTION 2. Amends Chapter 651I, Occupations Code, by adding Section 651.408, as follows:

Sec. 651.408. NOTICE OF DECEASED PEACE OFFICER. Requires a funeral director to make reasonable efforts to determine whether a deceased person being prepared by the funeral director for burial or other disposition was a peace officer. Requires the funeral director, if the deceased person is known or suspected by the funeral director to have been a peace officer, to take certain enumerated actions.

SECTION 3. Amends Chapter 1701D, Occupations Code, by adding Section 1701.160, as follows:

Sec. 1701.160. NOTICE REGARDING DECEASED PEACE OFFICER. Requires the Commission on Law Enforcement Officer Standards and Education (commission), if the commission is notified of the death of a current or retired peace officer, to promptly take certain enumerated actions.

SECTION 4. Effective date: September 1, 2001.

Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from the original by amending previously proposed provisions regarding the presentation of a state flag to the family of certain deceased peace officers.

SECTION 2. Differs from the original by amending previously proposed provisions regarding the notice by a funeral director of a deceased peace officer.

Adds a new SECTION 3 and renumbers previously proposed SECTION 3 as SECTION 4 with no change.