

## **BILL ANALYSIS**

Senate Research Center

H.B. 3647  
By: Dale et al. (Watson)  
Criminal Justice  
7/28/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, the Texas Commission on Law Enforcement (TCOLE) determines which names are eligible to be added to the Texas Peace Officers Memorial Monument. The statute merely states that officers employed by certain public safety offices are eligible if they were "killed in the line of duty" with no further clarification.

Because of this ambiguity, TCOLE has had a significant amount of discretion in deciding which names to include on the monument. This has created controversy within the law enforcement community, particularly when TCOLE declines to include a fallen officer's name.

H.B. 3647 brings more clarity and certainty to this issue, which is of course very important to the families and coworkers of fallen officers. Specifically, H.B. 3647 provides that an officer is presumed to have been killed in the line of duty if the Employees Retirement System of Texas awards survivor benefits to the officer's family. These benefits are only available for the loss of life as a result of injuries sustained in the line of duty.

H.B. 3647 also creates a process for TCOLE to accept and make decisions on nominations for the monument, even for officers who do not qualify for survivor benefits. Finally, H.B. 3647 also requires TCOLE to establish a recordkeeping system for the monument that is accessible to family members and independent researchers.

Taken together, these changes should bring more consistency and transparency to the governance of the Texas Peace Officers Memorial Monument. (Original Author's / Sponsor's Statement of Intent)

H.B. 3647 amends current law relating to the Texas Peace Officers' Memorial Monument and ceremony.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Commission on Law Enforcement is modified in SECTION 5 (Section 3105.004, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 3105, Government Code, to read as follows:

CHAPTER 3105. TEXAS PEACE OFFICERS' MEMORIAL MONUMENT AND  
CEREMONY

SECTION 2. Amends Section 3105.002, Government Code, by adding Subdivision (2-a) to define "committee."

SECTION 3. Amends Section 3105.003, Government Code, as follows:

Sec. 3105.003. ELIGIBILITY FOR MONUMENT. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Provides that a person described by Subsection (a) (relating to the eligibility of a person to have the person's name on the Texas Peace Officers' Memorial Monument (monument)) is presumed to have been killed in the line of duty if the Employees Retirement System of Texas makes payments and provides benefits to the eligible survivors of the person as provided by Chapter 615 (Financial Assistance to Survivors of Certain Law Enforcement Officers, Fire Fighters, and Others).

SECTION 4. Amends Chapter 3105, Government Code, by adding Section 3105.0035, as follows:

Sec. 3105.0035. NOMINATIONS; ADDITION OF NAMES TO MONUMENT. (a) Authorizes a peace officer, law enforcement agency, independent researcher, or organization that advocates on behalf of the survivors of persons described by Section 3105.003 to submit to the Texas Commission on Law Enforcement (TCOLE) a nomination to have a person's name added to the monument.

(b) Requires the executive director of TCOLE to make a preliminary recommendation to TCOLE on whether a person nominated under Subsection (a) is eligible under Section 3105.003.

(c) Requires TCOLE to place each nomination, including the executive director's preliminary recommendation, on the agenda of a scheduled meeting of TCOLE for consideration by TCOLE. Requires TCOLE to allow public testimony and consider any evidence presented regarding the eligibility of the person nominated. Requires TCOLE, after hearing testimony and considering evidence, to determine by a public vote whether the person meets the eligibility requirements under Section 3105.003.

(d) Requires TCOLE to add a person's name to the monument if TCOLE determines that the person meets the eligibility requirements.

SECTION 5. Amends Section 3105.004(b), Government Code, to require TCOLE to adopt rules and establish procedures for adding names to the monument in accordance with Sections 3105.003 and 3105.0035, rather than Section 3105.003.

SECTION 6. Amends Section 3105.005(c), Government Code, to authorize money in the account to be used only for the purposes prescribed by Section 3105.004 (Maintenance of Monument), rather than by this chapter.

SECTION 7. Amends Chapter 3105, Government Code, by adding Sections 3105.006 and 3105.007, as follows:

Sec. 3105.006. TEXAS PEACE OFFICERS' MEMORIAL CEREMONY COMMITTEE.

(a) Provides that the Texas Peace Officers' Memorial Ceremony Committee (committee) is established to plan, oversee, and facilitate annual ceremonies recognizing and honoring peace officers of this state who were killed in the line of duty.

(b) Provides that the committee consists of the following members:

(1) a president, or the president's designee, of any law enforcement organization that:

(A) provides full service legal and political representation to law enforcement officers of this state;

(B) has at least 10,000 members paying dues, as provided by the organization's Internal Revenue Service Form 990 for the previous reporting period;

(C) has complied with all filing requirements of the Internal Revenue Service, the United States Department of Labor, and the secretary of state; and

(D) has an elected board of directors;

(2) a surviving spouse of a peace officer killed in the line of duty selected by the chapters of the Concerns of Police Survivors of this state; and

(3) the following nonvoting members or designees of the members: the governor, the lieutenant governor, the speaker of the house of representatives, the Texas attorney general, the director of the Texas Department of Public Safety, the executive director of the State Preservation Board, and the executive director of TCOLE.

Sec. 3105.007. TEXAS PEACE OFFICERS' MEMORIAL CEREMONY. (a) Requires the committee to meet as necessary to plan and coordinate an annual memorial ceremony on the Capitol grounds to honor Texas peace officers who were killed in the line of duty.

(b) Requires the committee to hold the ceremony on a date selected by the committee during the week in which May 8 occurs.

(c) Authorizes the ceremony to be funded by public or private money.

(d) Requires that the ceremony, each odd-numbered year, include a parade of law enforcement color guards and personnel ending at the Capitol and a ceremony held during a joint session of the legislature on the floor of the house of representatives, if possible.

(e) Requires that the name of each peace officer who is being added to the monument that year, during the ceremony under this section, be read and the surviving family members of the police officer be recognized.

SECTION 8. Effective date: upon passage or September 1, 2017.