

**Texas
House of Representatives**



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MAR 18 2002

OPINION COMMITTEE

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March 6, 2002

RQ-0522-JJ

The Honorable John Cornyn
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OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION
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Dear General Cornyn:

I respectfully request an Attorney General's Opinion on TCLEOSE Statute Sec.1701.356.

I have enclosed information which outlines the issue.

Thank you in advance. If you need additional information, do not hesitate to call.

Yours very truly,

Rep. Robert Junell
72nd District

Enclosures

Chairman, Committee on Appropriations



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March 1, 2002

State Representative Rob Junell
225 W. Beauregard
San Angelo, Tx. 76901

Dear Sir,

3155 This is in reference to the TCLEOSE Statute as revised by the 76th Legislature in HB 31355. More specially, **Sec.1701.356 CERTAIN OFFICERS: REACTIVATION AND CONTINUING EDUCATION NOT REQUIRED.**

An honorably retired commissioned officer of the Department of Public Safety who is a special ranger under Section 411.023. Government Code, or retired state employee and who holds a permanent license issued before January 1981 and that was current on January 1, 1995:

- (1) has the same rights and privileges as any other peace officer of this state:
- (2) holds, notwithstanding Section 1701.316, an active license issued unless license is revoked, suspended, or probated by the commission for a violation of this chapter, and
- (3) is not subject to Section 1701.351. (Government Code, Secs. 415.034(c), 415.052(d))

There are several individuals within the State Park Peace Officer program that have apparently been overlooked in reference to the above statute. This is a request for a review by the Attorney General's Office to determine if these officers meet these standards and/or assistance or advise in insuring their eligibility.

Background: The State Park Law Enforcement program evolved from Senate Bill 588 in 1971 in order to enforce either penal codes or park rules and regulations. All of the commissioned officers are required to have TECLOSE training and to meet the annual requirements of the same. The program has been successful in maintaining the State laws throughout the park system. While there have been changes in administration of the program, the system has continued to provide the necessary services. In fact, the supervision of the program during 14 years of this time was through the Department Law Enforcement Division exclusively. It could be that changes in Administration of the park program were in transition at the time of HB 31355. If this is the case, the State Park Law Enforcement Officers may not have been represented.

Your help is appreciated.



John W. Culbertson