

REQUEST FOR AGENDA PLACEMENT FORM

Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY: Sheriff Adam King TODAY'S DATE: 8/24/2022

DEPARTMENT: Sheriff's Office

SIGNATURE OF DEPARTMENT HEAD: *Adam King*

REQUESTED AGENDA DATE: 09/12-2022

SPECIFIC AGENDA WORDING:

Consideration of Purchase of the Firearm Issued to Retiring Officer, Dusty Ford, in Compliance With GC 614.051;

Firearm Discription: SIG Sauer P320C .40 CAL, S&W, Serial # 58A182586, Asset Tag # 27543; Estimated Value \$390,00

COMMISSIONERS COURT

SEP 12 2022

Tabled

PERSON(S) TO PRESENT ITEM:

Sheriff King or his Designee

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 3 minutes

(Anticipated number of minutes needed to discuss item)

ACTION ITEM:

WORKSHOP:

CONSENT: ✓

EXECUTIVE:

STAFF NOTICE:

COUNTY ATTORNEY: ✓

AUDITOR: ✓

PERSONNEL:

BUDGET COORDINATOR:

IT DEPARTMENT:

PURCHASING DEPARTMENT: ✓

PUBLIC WORKS:

OTHER:

This Section to be completed by County Judge's Office

ASSIGNED AGENDA DATE: _____

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE:

COURT MEMBER APPROVAL:

DATE:



JOHNSON COUNTY AUDITOR

JOHNSON COUNTY COURTHOUSE

#2 N. MAIN

CLEBURNE, TEXAS 76033

Telephone (817) 556-6305 - Fax (817) 556-6075

Steven E. Watson
County Auditor

Jennifer R. Lyon
First Assistant County Auditor

September 12, 2022

Commissioners Court
Johnson County
Cleburne, Texas 76033

RE: Sale of Weapon to Retiring Officer, Dusty Ford

Honorable Judge and Commissioners:

Section 614.051 of the Government Code states that an honorably retired peace officer may purchase the firearm that had been previously issued to him(her) for an amount not to exceed fair market value. In order for deputies, currently retiring, to proceed with the purchase of the county-issued firearm, the following price(s) are considered to be in compliance with the statute.

Sig Sauer P320. .40 S&W - \$390.00

The amount reflects the price range the County would likely obtain for the firearm if sold to a licensed firearms dealer.

Please let me know if you have any questions.

Sincerely,

Steve Watson

cc: Sheriff Adam King

Roger O. Harmon

From: Bill Moore
Sent: Thursday, September 8, 2022 1:46 PM
To: Roger O. Harmon
Cc: Paula G. Reid; Randy K. Gillespie; Steven Watson; Adam King; Christopher Boedeker
Subject: Purchase of Firearm by Honorably Retired Peace Officer

Judge:

Section 614.051. LGC provides for the purchase of a firearm by an honorably retired peace officer and states; an individual may purchase a firearm from a governmental entity if:

1. the individual was a peace officer commissioned by the entity;
2. the individual was honorably retired from the individual's commission by the entity;
3. the firearm had been previously issued to the individual by the entity; and
4. the firearm is not a prohibited weapon under Section 46.05, Penal Code.

An issue arises when an officer leaves the employment of JC as a peace officer, begins employment with another law enforcement agency and wants to purchase his/her duty firearm by claiming he/she is retiring from JC although the officer does not actually file for retirement benefits nor receives retirement benefits from JC. Does he/she qualify or meet the requirements of Section 614.051? Another statute, 1701.357, Government Code, may give some guidance. Said 1701.357 provides that a qualified retired law enforcement officer may obtain a certificate of proficiency for carrying a firearm if certain criteria is met. Section 1701.357 states: the head of a state or local law enforcement agency may allow a qualified retired law enforcement officer **who is a retired commissioned peace officer** an opportunity to demonstrate weapons proficiency if the offer provides a sworn affidavit stating certain specified facts. I would assert that the language "**who is a retired commissioned peace officer**" should be the guidance for the CC on which former law enforcement officers of JC should be allowed to purchase their duty weapon. Meaning, that an officer who leaves JC and continues to be a commissioned peace officer is not an officer who is retired from the individual's commission. If JC allows an officer to purchase his/her duty weapon without actually retiring from JC, then any officer who leaves employment with JC may claim he is retiring from JC and wants to purchase his/her duty weapon. I would suggest that JC interpret Section 614.051 to only be applicable if the officer is truly a retired commissioned peace officer and that the officer has retired from JC. Retired would indicate that said officer has filed the proper paperwork with JC and will receive retirement benefits from JC. Otherwise, the officer is not a retired commissioned peace officer.

Let me know if you have any questions.

Bill Moore
County Attorney
Guinn Justice Center
204 South Buffalo Avenue, Suite 410
Cleburne, Texas 76033
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Fax: 817-556-6331
Email: billm@johnsoncountytexas.org

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