

JUL 24 2023

Approved

**POLICY FOR PURCHASE OF FIREARM BY HONORABLY
RETIRED PEACE OFFICER OR SURVIVING SPOUSE, CHILD,
OR PARENT OF DECEASED PEACE OFFICER**

This Policy for Purchase of Firearm by Honorably Retired Peace Officer or Surviving Spouse, Child or Parent of Deceased Peace Officer is established pursuant to Section 614.051 of the Texas Government Code titled Purchase of Firearm by Honorably Retired Peace Officer and Section 614.052 of the Texas Government Code titled Purchase of Firearm by Surviving Spouse, Child or Parent of Deceased Peace Officer.

WHEREAS, Section 614.051 of the Government Code 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;
4. the firearm is not a prohibited weapon under Section 46.05, Penal Code; and
5. an individual may purchase only one firearm from a governmental entity under this section; and

WHEREAS, Section. 614.052. of the Government Code states: (a) An individual listed under Subsection (b) may purchase a firearm from a governmental entity if:

- (1) the firearm had been previously issued by the entity to a peace officer commissioned by the entity who died while commissioned, without regard to whether the officer died while discharging the officer's official duties; and
- (2) the firearm is not a prohibited weapon under Section 46.05, Penal Code.
 - (b) Individuals who may purchase the firearm under Subsection (a) are, in order of precedence:
 - (1) the surviving spouse of the deceased peace officer;
 - (2) a child of the deceased peace officer; and
 - (3) a parent of the deceased peace officer; and

WHEREAS, Subchapter H, Section 614.121, Government Code, Definitions, states "honorably retired peace officer" means a former peace officer who:

1. previously served but is not currently serving as an elected, appointed, or employed peace officer under Article 2.12, Code of Criminal Procedure, or other law;
2. did not retire in lieu of any disciplinary action;
3. was eligible to retire from a law enforcement agency in this state or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the agency; and
4. is eligible to receive a pension or annuity for service as a law enforcement officer in this state or is ineligible to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees; and

WHEREAS, Section 1701.3161, Occupations Code, (which deals with the reactivation of a peace officer license) states a "retired peace officer" means a person who served as a peace officer in this state who:

1. is not currently serving as an elected, appointed or employed peace officer under Article 2.12, Code of Criminal Procedure, or other law,
2. was eligible to retire from a law enforcement agency in this state or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the agency; and
3. is eligible to receive a pension or annuity for service as a law enforcement officer in this state or is ineligible to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees; and.

WHEREAS, Section 411.199, Government Code, allows an honorably retired peace officer to apply for a license after retirement. Section 411.199 (c) states that in this subsection, "honorably retired" means the applicant:

1. did not retire in lieu of any disciplinary action;
2. was eligible to retire from the law enforcement agency or other former employer or was ineligible to retire only as a result of an injury received in the course of the applicant's employment; and
3. for a peace officer described by Subsection (a) (1), is entitled to receive a pension or annuity for service as a law enforcement officer or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the applicant does not offer a pension or annuity to its employees; and

WHEREAS, Section 614.054, Government Code, states: (a) Except as provided by Subsection (b), an individual must purchase a firearm under Section 614.051 before the second anniversary of the date of the person's retirement or under Section 614.052 before the second anniversary of the date of the officer's death.

- (b) A governmental entity that cannot immediately replace the firearm may delay the sale of the firearm until the entity can replace the firearm.

NOW THEREFORE, pursuant to the above statutes the Commissioners Court of Johnson County, Texas does hereby adopt the following policy guidelines for a peace officer to purchase a firearm from Johnson County upon the peace officer honorably retiring from employment with Johnson County:

1. The individual was a peace officer commissioned by an elected official of Johnson County (ie: Sheriff, Constable, District Attorney or County Attorney).
2. The individual was honorably retired from the individual's commission by Johnson County (ie: Sheriff, Constable, District Attorney or County Attorney).
3. The firearm had been previously issued to the individual by Johnson County (ie: Sheriff, Constable, District Attorney or County Attorney).
4. The firearm is not a prohibited weapon under Section 46.05, Penal Code.
5. The individual was eligible to retire or was ineligible to retire only as a result of an injury received in the course of the officer's employment.
6. The individual did not retire in lieu of any disciplinary action.
7. The individual is eligible to receive retirement benefits from TCDRS.
8. The individual was commissioned by Johnson County (ie: Sheriff, Constable, District Attorney or County Attorney) for at least ten (10) years.
9. The Johnson County official (ie: Sheriff, Constable, District Attorney or County Attorney) has provided the Commissioners Court written approval for the purchase of the firearm by the individual.
10. The individual must submit a written request to purchase the firearm to the elected official who commissioned the peace officer before the second anniversary of the date of the person's retirement.
11. The County Auditor shall provide the Commissioners Court with an estimate of the fair market value of the firearm to be purchased.

ADDITIONALLY, pursuant to Section 614.052 listed above, the Commissioners Court of Johnson County, Texas does hereby adopt the following policy guidelines for a surviving spouse, child, or parent of a peace officer to purchase a firearm from Johnson County upon the death of the peace officer while employed by Johnson County.

1. The individual wanting to purchase the firearm must be a surviving Spouse, Child or Parent of a peace officer commissioned by an elected official of Johnson County (ie: Sheriff, Constable, District Attorney or County Attorney) and the deceased peace officer died while commissioned, without regard to whether the officer died while discharging the officer's official duties.
2. The individual wanting to purchase the firearm must submit a written request to the elected official of Johnson County who commissioned the deceased peace officer.
3. The request to purchase the firearm must be submitted to the elected official of Johnson County who commissioned the peace officer before the second anniversary of the date of the officer's death.
4. The County Auditor shall provide the Commissioners Court with an estimate of the fair market value of the firearm to be purchased.

WITNESS OUR HAND THIS THE 24th DAY OF JULY, 2023.

Christopher Boedeker

Christopher Boedeker, Johnson County Judge

Voted: yes, no, abstained

Rick Bailey, Comm. Pct. 1

Voted: yes, no, abstained

Kenny Howell

Kenny Howell, Comm. Pct. 2

Voted: yes, no, abstained

Mike White

Mike White, Comm. Pct. 3

Voted: yes, no, abstained

Larry Woolley

Larry Woolley, Comm. Pct. 4

Voted: yes, no, abstained

April Long

ATTEST: April Long, County Clerk





AGENDA PLACEMENT FORM

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

Date: _____

Meeting Date: 7/24/2023

Approved

Submitted By: _____

Department/Office: CJO

Signature of Director/Official: _____

Agenda Title:

Discussion Regarding a Policy for Purchase of Firearm by Honorably Retired
Peace Officer or Surviving Spouse, Child, or Parent of Deceased Peace Officer

Public Description (Description should be 2-4 sentences explaining to the Court and the public what action is recommended and why it is necessary):

(May attach additional sheets if necessary)

Person to Present: _____

(Presenter must be present for the item unless the item is on the Consent Agenda)

Supporting Documentation: (check one) PUBLIC CONFIDENTIAL

(PUBLIC documentation may be made available to the public prior to the Meeting)

Estimated Length of Presentation: 10 minutes

Session Requested: Workshop (Action Item, Workshop, Consent, Executive)

Check All Departments That Have Been Notified:

County Attorney IT Purchasing Auditor

Personnel Public Works Facilities Management

Other Department/Official (list) Sheriff

**Please Inter-Office All Original Documents to County Judge’s Office Prior to Deadline
& List All External Persons Who Need a Copy of Signed Documents
In Your Submission Email**