



**THE ATTORNEY GENERAL
OF TEXAS**

November 16, 1989

**JIM MATTOX
ATTORNEY GENERAL**

Mr. Fred Toler
Executive Director
Texas Commission on Law Enforcement
Officer Standards and Education
1606 Headway Circle, Suite 100
Austin, Texas 78754

LO-89-96

Dear Mr. Toler:

Section 415.034 of the Government Code as amended by the 71st Legislature, effective June 14, 1989, provides:

SECTION 2. Section 415.034(b), Government Code, is amended to read as follows:

(b) The commission may require a state, county, special district, or municipal agency that employs peace officers to provide each peace officer with a training program during a 24-month period. The course must be approved by the commission, must include training in the recognition of cases involving child abuse or neglect, and may not exceed 40 hours. An honorably retired commissioned officer of the Department of Public Safety who is a special ranger under Section 411.023 may not be required to undergo training under this subsection. (Emphasis reflects provisions added by amendment.)

H.B. 1947, Acts 1989, 71st Leg., ch. 469, § 2, at 1642.

You ask whether the exemption set forth in section 415.034(b), as amended, has the effect of exempting honorably retired commissioned officers of the Department of Public Safety [D.P.S.] who have been appointed special rangers from the other requirements imposed on peace officers under chapter 415 of the Government Code. Section 415.009 of the Government Code grants the Commission on Law Enforcement Officer Standards and Education authority to promulgate rules relative to standards of competence and education for the licensing of peace officers, to operate and supervise training programs and establish provisions for

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revocation of licenses (except officers elected under the Texas Constitution).

Section 411.023 provides that the Public Safety Commission may appoint as special rangers honorably retired commissioned officers of D.P.S. and not more than 300 other persons. A special ranger is required to execute a bond and is not entitled to any compensation for his services. Subsection (b) of section 411.023 provides for the duties of the position, as follows:

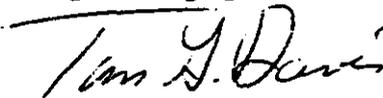
A special ranger is subject to the orders of the [Public Safety] commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except that a special ranger may not enforce a law except one designed to protect life and property and may not enforce a law regulating the use of a state highway by a motor vehicle. A special ranger is not connected with a ranger company or uniformed unit of the department.

By its express terms subsection (b) of section 415.034 limits the exemption from peace officer training for the class of officers in question to the requirements of this subsection.

"Rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety" are "peace officers" as that term is defined in article 2.12 of the Code of Criminal Procedure. An honorably retired commissioned officer of D.P.S., who is appointed a special ranger under section 411.023 is a peace officer.

We are unable to find any intent on the part of the legislature to extend the exemption from the requirements of section 415.034(b) to any other requirements imposed on peace officers by chapter 415 of the Government Code.

Very truly yours,



Tom G. Davis
Assistant Attorney General
Opinion Committee

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APPROVED: Rick Gilpin, Chairman
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