

# TEXAS DEPARTMENT OF PUBLIC SAFETY

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## RECEIVED

DEC 15 2010

## OPINION COMMITTEE

December 14, 2010

FILE # ML-46639-10

I.D. # 46639

# RQ-0935-GA

The Honorable Greg Abbott  
Attorney General of Texas  
Opinion Committee  
209 West 14<sup>th</sup> Street, 7<sup>th</sup> Floor  
Austin, Texas 78701

Re: Request for attorney general opinion regarding whether rehiring an officer after retirement affects the two year time period in which a retired peace officer has the authority to purchase their service revolver.

Dear Attorney General Abbott:

The Department of Public Safety (Department) requests an opinion regarding whether rehiring an officer, who has retired according to Employees Retirement System (ERS) standards, tolls or renews the two year time period in which the retired officer has the authority to purchase their service weapon under to section 614.054 of the Government Code.

### LAW

[A]n individual must purchase a firearm . . . before the second anniversary of the date of the person's retirement....TEX. GOVT. CODE 614.054 (a).

### BACKGROUND

Department law enforcement officers often purchase their service weapons after they retire. The purchase is authorized provided that the individual purchase the weapon before the second anniversary of the date of the individual's retirement. TEX. GOVT. CODE 614.054 (a). Periodically, an individual will retire from the Department and rehire with the Department but not exercise their statutory option to purchase the weapon within two years of retirement. If the currently employed officer then decides to purchase a weapon beyond the statutory second anniversary, the Department has taken the position that it is unable to legally sell the weapon to the officer because the officer retired as provided by statute.

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ISSUE

When the Department rehires a retired officer, although the officer technically retired according to ERS standards, is the officer retired as provided under section 614.054 of the Government Code and still subject to the two year purchase limitation?

Sincerely yours,



Steven C. McCraw  
Director

SCM:DRF:JF:js