

By: Sherman, Sr.

H.B. No. 1643

A BILL TO BE ENTITLED

AN ACT

relating to continuing education for and regular implicit bias testing of peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1701.307(a), Occupations Code, is amended to read as follows:

(a) The commission shall issue an appropriate officer or county jailer license to a person who, as required by this chapter:

(1) submits an application;

(2) completes the required training;

(3) passes the required examination;

(4) is declared to be in satisfactory psychological and emotional health and free from drug dependency or illegal drug use;

(5) completes implicit bias testing; and

(6) [~~5~~] demonstrates weapons proficiency.

SECTION 2. Subchapter G, Chapter 1701, Occupations Code, is amended by adding Section 1701.3085 to read as follows:

Sec. 1701.3085. IMPLICIT BIAS TESTING. (a) The commission shall require a person applying for a peace officer license to complete implicit bias testing.

(b) An agency hiring a person for whom a peace officer license is sought shall report the test results to the commission and maintain a copy of the test results in the person's personnel

1 file.

2 (c) The test results are confidential and not subject to
3 disclosure under Chapter 552, Government Code.

4 SECTION 3. The heading to Subchapter H, Chapter 1701,
5 Occupations Code, is amended to read as follows:

6 SUBCHAPTER H. CONTINUING EDUCATION, REGULAR IMPLICIT BIAS TESTING,
7 AND YEARLY WEAPONS PROFICIENCY

8 SECTION 4. Section 1701.352(b), Occupations Code, is
9 amended to read as follows:

10 (b) The commission shall require a state, county, special
11 district, or municipal agency that appoints or employs peace
12 officers to provide each peace officer with a training program [~~at~~
13 ~~least once every 48 months that is~~] approved by the commission as
14 follows [~~and consists of~~]:

15 (1) at least once every 48 months an agency shall
16 provide a training program that consists of:

17 (A) topics selected by the agency; and

18 (B) [~~(2)~~] for an officer holding only a basic
19 proficiency certificate, not more than 20 hours of education and
20 training that contain curricula incorporating the learning
21 objectives developed by the commission regarding:

22 (i) [~~(A) civil rights, racial sensitivity,~~
23 ~~and cultural diversity,~~

24 [~~(B) de-escalation and crisis intervention~~
25 ~~techniques to facilitate interaction with persons with mental~~
26 ~~impairments,~~

27 [~~(C)~~] de-escalation techniques to

1 facilitate interaction with members of the public, including
2 techniques for limiting the use of force resulting in bodily
3 injury; and

4 (ii) [~~(D)~~] unless determined by the agency
5 head to be inconsistent with the officer's assigned duties:

6 (a) [~~(i)~~] the recognition,
7 documentation, and investigation of cases that involve child abuse
8 or neglect, family violence, and sexual assault, including the use
9 of best practices and trauma-informed techniques to effectively
10 recognize, document, and investigate those cases; and

11 (b) [~~(i)~~] issues concerning sex
12 offender characteristics; and

13 (2) at least once every 12 months an agency shall
14 provide a training program that consists of the following topics:

15 (A) civil rights, racial sensitivity, and
16 cultural diversity;

17 (B) de-escalation and crisis intervention
18 techniques to facilitate interaction with persons with mental
19 impairments;

20 (C) ethics and professionalism; and

21 (D) implicit bias.

22 SECTION 5. Subchapter H, Chapter 1701, Occupations Code, is
23 amended by adding Section 1701.3555 to read as follows:

24 Sec. 1701.3555. REGULAR IMPLICIT BIAS TESTING. (a) The
25 commission shall require an agency that employs one or more peace
26 officers to conduct implicit bias testing on each peace officer the
27 agency employs at least once every five years.

1 (b) The agency shall report the test results to the
2 commission and maintain a copy of the test results in the officer's
3 personnel file.

4 (c) The test results are confidential and not subject to
5 disclosure under Chapter 552, Government Code.

6 SECTION 6. Not later than January 1, 2022, the Texas
7 Commission on Law Enforcement shall:

8 (1) approve training programs as required by Section
9 1701.352(b), Occupations Code, as amended by this Act; and

10 (2) adopt rules necessary to implement the changes in
11 law made by this Act.

12 SECTION 7. Section 1701.307(a), Occupations Code, as
13 amended by this Act, and Section 1701.3085, Occupations Code, as
14 added by this Act, apply only to a person who submits an application
15 for a peace officer license under Chapter 1701, Occupations Code,
16 on or after January 1, 2022. A person who submits an application for
17 a peace officer license under Chapter 1701, Occupations Code,
18 before January 1, 2022, is governed by the law in effect immediately
19 before the effective date of this Act, and the former law is
20 continued in effect for that purpose.

21 SECTION 8. This Act takes effect September 1, 2021.