

1-1 By: Thompson of Brazoria, et al. H.B. No. 3712
 1-2 (Senate Sponsor - West)
 1-3 (In the Senate - Received from the House May 3, 2021;
 1-4 May 10, 2021, read first time and referred to Committee on
 1-5 Jurisprudence; May 22, 2021, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 5, Nays 0;
 1-7 May 22, 2021, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9 Huffman	X			
1-10 Hinojosa	X			
1-11 Creighton	X			
1-12 Hughes	X			
1-13 Johnson	X			

1-15 COMMITTEE SUBSTITUTE FOR H.B. No. 3712 By: Huffman

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the training of and policies for peace officers.
 1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-20 SECTION 1. The heading to Subchapter F, Chapter 1701,
 1-21 Occupations Code, is amended to read as follows:
 1-22 SUBCHAPTER F. TRAINING PROGRAMS, ~~[AND]~~ SCHOOLS, AND POLICIES
 1-23 SECTION 2. Subchapter F, Chapter 1701, Occupations Code, is
 1-24 amended by adding Section 1701.2551 to read as follows:
 1-25 Sec. 1701.2551. BASIC PEACE OFFICER TRAINING COURSE. (a)
 1-26 The basic peace officer training course required as part of a peace
 1-27 officer training program under Section 1701.251(a) may be no less
 1-28 than 720 hours.
 1-29 (b) The basic peace officer training course must include
 1-30 training on:
 1-31 (1) the prohibition against the intentional use of a
 1-32 choke hold, carotid artery hold, or similar neck restraint by a
 1-33 peace officer in searching or arresting a person, unless the
 1-34 officer reasonably believes the restraint is necessary to prevent
 1-35 serious bodily injury to or the death of the peace officer or
 1-36 another person;
 1-37 (2) the duty of a peace officer to intervene to stop or
 1-38 prevent another peace officer from using force against a person
 1-39 suspected of committing an offense if:
 1-40 (A) the amount of force exceeds that which is
 1-41 reasonable under the circumstances; and
 1-42 (B) the officer knows or should know that the
 1-43 other officer's use of force:
 1-44 (i) violates state or federal law;
 1-45 (ii) puts a person at risk of bodily injury,
 1-46 as that term is defined by Section 1.07, Penal Code, and is not
 1-47 immediately necessary to avoid imminent bodily injury to a peace
 1-48 officer or other person; and
 1-49 (iii) is not required to apprehend the
 1-50 person suspected of committing an offense; and
 1-51 (3) the duty of a peace officer who encounters an
 1-52 injured person while discharging the officer's official duties to
 1-53 immediately and as necessary request emergency medical services
 1-54 personnel to provide the person with emergency medical services
 1-55 and, while waiting for emergency medical services personnel to
 1-56 arrive, provide first aid or treatment to the person to the extent
 1-57 of the officer's skills and training, unless the request for
 1-58 emergency medical services personnel or the provision of first aid
 1-59 or treatment would expose the officer or another person to a risk of
 1-60 bodily injury or the officer is injured and physically unable to

2-1 make the request or provide the treatment.

2-2 SECTION 3. Subchapter F, Chapter 1701, Occupations Code, is
2-3 amended by adding Sections 1701.269 and 1701.270 to read as
2-4 follows:

2-5 Sec. 1701.269. TRAINING PROGRAM AND POLICIES FOR PEACE
2-6 OFFICERS. (a) The commission, in consultation with the Bill
2-7 Blackwood Law Enforcement Management Institute of Texas and other
2-8 interested parties chosen by the commission, shall develop and
2-9 maintain a model training curriculum and model policies for law
2-10 enforcement agencies and peace officers.

2-11 (b) The model training curriculum and model policies
2-12 developed under Subsection (a) must include:

2-13 (1) curriculum and policies for banning the use of a
2-14 choke hold, carotid artery hold, or similar neck restraint by a
2-15 peace officer in searching or arresting a person, unless the
2-16 officer reasonably believes the restraint is necessary to prevent
2-17 serious bodily injury to or the death of the peace officer or
2-18 another person;

2-19 (2) curriculum and policies regarding the duty of a
2-20 peace officer to intervene to stop or prevent another peace officer
2-21 from using force against a person suspected of committing an
2-22 offense if:

2-23 (A) the amount of force exceeds that which is
2-24 reasonable under the circumstances; and

2-25 (B) the officer knows or should know that the
2-26 other officer's use of force:

2-27 (i) violates state or federal law;

2-28 (ii) puts a person at risk of bodily injury,
2-29 as that term is defined by Section 1.07, Penal Code, and is not
2-30 immediately necessary to avoid imminent bodily injury to a peace
2-31 officer or other person; and

2-32 (iii) is not required to apprehend the
2-33 person suspected of committing an offense; and

2-34 (3) curriculum and policies regarding the duty of a
2-35 peace officer who encounters an injured person while discharging
2-36 the officer's official duties to immediately and as necessary
2-37 request emergency medical services personnel to provide the person
2-38 with emergency medical services and, while waiting for emergency
2-39 medical services personnel to arrive, provide first aid or
2-40 treatment to the person to the extent of the officer's skills and
2-41 training, unless the request for emergency medical services
2-42 personnel or the provision of first aid or treatment would expose
2-43 the officer or another person to a risk of bodily injury or the
2-44 officer is injured and physically unable to make the request or
2-45 provide the treatment.

2-46 Sec. 1701.270. REQUIRED POLICIES FOR LAW ENFORCEMENT
2-47 AGENCIES. Not later than the 180th day after the date the
2-48 commission provides the model policies described by Section
2-49 1701.269(b), each law enforcement agency in this state shall adopt
2-50 a policy on the topics described by that subsection. A law
2-51 enforcement agency may adopt the model policies developed by the
2-52 commission under that subsection.

2-53 SECTION 4. Section 1701.351, Occupations Code, is amended
2-54 by adding Subsection (a-2) to read as follows:

2-55 (a-2) Before the first day of each 24-month training unit
2-56 during which peace officers are required to complete 40 hours of
2-57 continuing education programs under Subsection (a), the commission
2-58 shall specify the mandated topics to be covered in up to 16 of the
2-59 required hours.

2-60 SECTION 5. (a) Not later than January 1, 2022, the Texas
2-61 Commission on Law Enforcement shall modify the curriculum of the
2-62 basic peace officer training course as necessary to comply with
2-63 Section 1701.2551, Occupations Code, as added by this Act.

2-64 (b) The minimum hour and content requirements for the basic
2-65 peace officer training course under Section 1701.2551, Occupations
2-66 Code, as added by this Act, apply only to a person who first begins
2-67 the course on or after July 1, 2022.

2-68 SECTION 6. Not later than January 1, 2022, the Texas
2-69 Commission on Law Enforcement shall develop and make available the

3-1 model training curriculum and model policies required by Section
3-2 1701.269, Occupations Code, as added by this Act.

3-3 SECTION 7. Section 1701.351(a-2), Occupations Code, as
3-4 added by this Act, applies only to a training unit that begins on or
3-5 after the effective date of this Act.

3-6 SECTION 8. The Texas Commission on Law Enforcement is
3-7 required to implement a provision of this Act only if the
3-8 legislature appropriates money specifically for that purpose. If
3-9 the legislature does not appropriate money specifically for that
3-10 purpose, the commission may, but is not required to, implement a
3-11 provision of this Act using other appropriations available for that
3-12 purpose.

3-13 SECTION 9. This Act takes effect September 1, 2021.

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