

## **BILL ANALYSIS**

H.B. 1438  
By: Talton  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) requires that a peace officer complete at least 40 hours of continuing education each 24-month period in order to remain commissioned. Under current law, no exemption exists for an officer serving on active military duty. Also, current law does not require that an officer be notified before his or her license is suspended for non-compliance.

House Bill 1438 addresses these issues by exempting certain officers on active military duty from the continuing education requirement and by requiring TCLEOSE to notify a non-compliant officer and to give an opportunity to complete the required training before license suspension.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 1438 amends §1701.351 of the Occupations Code to require TCLEOSE to credit a peace officer with meeting continuing education requirements if he or she served on active United States military duty for at least 12 months during the applicable 24-month period.

House Bill 1438 amends §1701.353 of the Occupations Code by requiring that TCELOSE, after receiving an agency's report of the reasons for an officer's noncompliance, notify that peace officer by certified mail of the reasons for noncompliance. The bill requires that TCLEOSE hold a hearing under this section at the request of a peace officer if he or she fails to complete the requirements within 60 days of receiving notice. The bill also makes conforming and non-substantive changes.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.