

BILL ANALYSIS

C.S.H.B. 2023
By: Hegar
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, local law enforcement agencies receive funds which they are to spend on continuing education for law enforcement officers. There are few mechanisms to ensure that the funds are used appropriately.

C.S.H.B 2023 requires the criminal justice division to administer a need based grant program to fund continuing education of peace officers. Likewise, the bill requires agencies receiving funds to provide annual documentation to the comptroller accounting for the use of training funds received.

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

C.S.H.B 2023 amends Section 772.006 of the Government Code by adding Subsection (d), which requires the criminal justice division of the governor's office to create a need-based grant program to support continuing education for local law enforcement agencies. The bill provides that these grants are to be in addition to the amounts reimbursed under Section 1701.157 of the Occupations Code.

The bill amends Section 1701.157(b) of the Occupations Code to provide that to be eligible for an allocation of money under Subsection (a), a local law enforcement agency must report to the comptroller by November 1 of the preceding calendar year:

- (1) the number of agency positions described by Subsection (a)(2) reserved as of January 1 of the year covered by the report;
- (2) the number of agency positions described by Subsection (a)(2) filled as of January 1 of the calendar year covered by the report;
- (3) the percentage of any money received by the agency under Subsection (a) in the calendar year covered by the report used by the agency during that year
- (4) the number of training hours received using any money received by the agency under Subsection (a) in the calendar year covered by the report; and
- (5) that the agency has complied with all applicable law regarding the use of any money received under Subsection (a) in the calendar year covered by the report.

The bill provides that if the funds are available for the purpose, the criminal justice division of the governor's office shall award the first grants of the program under this Act in the state fiscal year beginning September 1, 2005. The bill provides that changes in law made by this Act to Section 1701.157, Occupations Code, apply to allocations made on or after January 1, 2006, for expenses incurred by local law enforcement agencies during calendar year 2005.

The bill makes conforming and non-substantive changes.

EFFECTIVE DATE

C.S.H.B. 2023 79(R)

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

House Bill 2023 amends Section 1701.157(a) of the Occupations Code to reimburse local law enforcement agencies in this state, as provided by this section, for expenses incurred during the preceding calendar year related to a purpose described by Subsection (b), and removes Sections 1701.157(a)(1) and 1701.157(a)(2) of the Occupations Code.

C.S.H.B 2023 does not remove 1701.157(a)(1) and 1701.157(a)(2) of the Occupations Code, and amends Section 1701.157(a) of the Occupations Code to make conforming changes.

House Bill 2023 amends Section 1701.157(b) of the Occupations code to provide that a local law enforcement agency in this state that submits an application to the comptroller in the form and by the deadline prescribed by the comptroller is entitled to reimbursement from the comptroller for costs expended by the agency in a calendar year to provide for the continuing education of persons licensed under Chapter 1701. The amount a local law enforcement agency is reimbursed under this section may not exceed the maximum amount for which the agency may be reimbursed as determined under Subsection (c).

C.S.H.B. 2023 amends Section 1701.157(b) of the Occupations Code to provide that to be eligible for an allocation of money under Subsection (a), a local law enforcement agency must report to the comptroller by November 1 of the preceding calendar year:

- (1) the number of agency positions described by Subsection (a)(2) reserved as of January 1 of the year covered by the report;
- (2) the number of agency positions described by Subsection (a)(2) filled as of January 1 of the calendar year covered by the report;
- (3) the percentage of any money received by the agency under Subsection (a) in the calendar year covered by the report used by the agency during that year
- (4) the number of training hours received using any money received by the agency under Subsection (a) in the calendar year covered by the report; and
- (5) that the agency has complied with all applicable law regarding the use of any money received under Subsection (a) in the calendar year covered by the report.

House bill 2023 amends Section 1701.157(c) of the Occupations Code to provide a formula by which the comptroller must determine the maximum amount of expenses in a calendar year for which a local law enforcement agency may be reimbursed under this section. C.S.H.B 2023 does not make this change.

House bill 2023 amends Section 1701.157(c) of the Occupations Code by redesignating it as subsection (d) and to require the head of a law enforcement agency to maintain a complete and detailed written record of expenses for which the agency seeks reimbursement under this section. C.S.H.B 2023 does not make this change.

House Bill 2023 deletes the current Section 1701.157(d), which requires that a local law enforcement agency use money received under Subsection (a) only as necessary to ensure the continuing education of persons licensed under this chapter or to provide necessary training, as determined by the agency head, to full-time fully paid law enforcement support personnel in the agency. C.S.H.B 2023 does not make this change.

House Bill 2023 amends Section 1701.157(e) to remove the restriction against law enforcement agencies using money received under this section to replace funds that are provided to the agency by the county or municipality having jurisdiction over the agency on a recurring basis for training support personnel. C.S.H.B 2023 does not make this change.