

By: Talton

H.B. No. 1438

A BILL TO BE ENTITLED

AN ACT

relating to continuing education for peace officers.

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

SECTION 1. Section 1701.351(c), Occupations Code, is amended to read as follows:

(c) The commission shall credit a peace officer with meeting the continuing education requirements of this section if during the relevant 24-month period the peace officer serves on active duty as a member of the United States military for at least 12 months or serves as an elected member of the legislature. Credit for continuing education under this subsection does not affect any requirement to demonstrate continuing weapons proficiency under Section 1701.355.

SECTION 2. Section 1701.353(b), Occupations Code, is amended to read as follows:

(b) The commission shall require agencies to report to the commission in a timely manner the reasons that a peace officer is in noncompliance after the agency receives [~~receiving~~] notice by the commission of the peace officer's noncompliance. The commission shall, following receipt of an agency's report or on a determination that the agency has failed to report in a timely manner, notify the peace officer by certified mail of the reasons the peace officer is in noncompliance and that the commission at the request of the peace officer will hold a hearing as provided by this

1 subsection if the peace officer fails to obtain the required
2 training within 60 days after the date the peace officer receives
3 notice under this subsection. The commission shall conduct a
4 hearing consistent with Section 1701.504 if the peace officer
5 claims that:

6 (1) mitigating circumstances exist; or

7 (2) the peace officer failed to complete the
8 required training because the peace officer's employing agency did
9 not provide an adequate opportunity for the peace officer to attend
10 the required training course.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2005.