

1-1 By: Talton (Senate Sponsor - Whitmire) H.B. No. 1438  
1-2 (In the Senate - Received from the House April 18, 2005;  
1-3 April 19, 2005, read first time and referred to Committee on  
1-4 Criminal Justice; May 20, 2005, reported favorably by the  
1-5 following vote: Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to continuing education for peace officers.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 1701.351(c), Occupations Code, is  
1-11 amended to read as follows:

1-12 (c) The commission shall credit a peace officer with meeting  
1-13 the continuing education requirements of this section if during the  
1-14 relevant 24-month period the peace officer serves on active duty as  
1-15 a member of the United States military for at least 12 months or  
1-16 serves as an elected member of the legislature. Credit for  
1-17 continuing education under this subsection does not affect any  
1-18 requirement to demonstrate continuing weapons proficiency under  
1-19 Section 1701.355.

1-20 SECTION 2. Section 1701.353(b), Occupations Code, is  
1-21 amended to read as follows:

1-22 (b) The commission shall require agencies to report to the  
1-23 commission in a timely manner the reasons that a peace officer is in  
1-24 noncompliance after the agency receives [~~receiving~~] notice by the  
1-25 commission of the peace officer's noncompliance. The commission  
1-26 shall, following receipt of an agency's report or on a  
1-27 determination that the agency has failed to report in a timely  
1-28 manner, notify the peace officer by certified mail of the reasons  
1-29 the peace officer is in noncompliance and that the commission at the  
1-30 request of the peace officer will hold a hearing as provided by this  
1-31 subsection if the peace officer fails to obtain the required  
1-32 training within 60 days after the date the peace officer receives  
1-33 notice under this subsection. The commission shall conduct a  
1-34 hearing consistent with Section 1701.504 if the peace officer  
1-35 claims that:

1-36 (1) mitigating circumstances exist; or  
1-37 (2) the peace officer failed to complete the  
1-38 required training because the peace officer's employing agency did  
1-39 not provide an adequate opportunity for the peace officer to attend  
1-40 the required training course.

1-41 SECTION 3. This Act takes effect immediately if it receives  
1-42 a vote of two-thirds of all the members elected to each house, as  
1-43 provided by Section 39, Article III, Texas Constitution. If this  
1-44 Act does not receive the vote necessary for immediate effect, this  
1-45 Act takes effect September 1, 2005.

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