

By: Hegar

H.B. No. 2023

A BILL TO BE ENTITLED

AN ACT

relating to funding for the continuing education of certain peace officers.

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

SECTION 1. Section 772.006, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The criminal justice division shall administer a grant program under which grants are awarded to support local law enforcement agencies in this state in providing for the continuing education of persons licensed under Chapter 1701, Occupations Code.

Amounts awarded under this subsection:

(1) shall be based on need, as determined by the criminal justice division; and

(2) are in addition to amounts reimbursed under Section 1701.157, Occupations Code.

SECTION 2. Section 1701.157, Occupations Code, is amended to read as follows:

Sec. 1701.157. MONEY ALLOCATED AND USED FOR CONTINUING EDUCATION. (a) Not later than March 1 of each calendar year, the comptroller shall allocate money deposited during the preceding calendar year in the general revenue fund to the credit of the law enforcement officer standards and education fund account to reimburse local law enforcement agencies in this state, as provided by this section, for expenses incurred during the preceding

1 calendar year related to a purpose described by Subsection (b) [~~the~~  
2 ~~continuing education of persons licensed under this chapter as~~  
3 ~~follows:~~

4 ~~[(1) 20 percent of the money is allocated to all local~~  
5 ~~law enforcement agencies in this state in equal shares; and~~

6 ~~[(2) 80 percent of the money is allocated to all local~~  
7 ~~law enforcement agencies in this state in a share representing a~~  
8 ~~fixed amount for each position in the agency, as of January 1 of the~~  
9 ~~preceding calendar year, that is reserved to a person who:~~

10 ~~[(A) is licensed under this chapter;~~

11 ~~[(B) works as a peace officer on the average of at~~  
12 ~~least 32 hours a week; and~~

13 ~~[(C) is compensated by a political subdivision of~~  
14 ~~this state at least at the minimum wage and is entitled to all~~  
15 ~~employee benefits offered to a peace officer by the political~~  
16 ~~subdivision].~~

17 (b) A local law enforcement agency in this state that  
18 submits an application to the comptroller in the form and by the  
19 deadline prescribed by the comptroller is entitled to reimbursement  
20 from the comptroller for costs expended by the agency in a calendar  
21 year to provide for the continuing education of persons licensed  
22 under this chapter. The amount a local law enforcement agency is  
23 reimbursed under this section may not exceed the maximum amount for  
24 which the agency may be reimbursed as determined under Subsection  
25 (c). Not later than November 1 of each calendar year, each local  
26 law enforcement agency shall report to the comptroller the number  
27 of agency positions described by Subsection (c)(1) [~~(a)(2)~~] as of

1 January 1 of that year.

2 (c) To determine the maximum amount of expenses in a  
3 calendar year for which a local law enforcement agency may be  
4 reimbursed under this section, the comptroller must:

5 (1) determine the total number of all positions in  
6 local law enforcement agencies in this state that, as of January 1  
7 of the calendar year for which expenses are being reimbursed, were  
8 reserved for persons who:

9 (A) are licensed under this chapter;

10 (B) work as peace officers on the average of at  
11 least 32 hours a week; and

12 (C) are compensated by a political subdivision of  
13 this state at least at the minimum wage and are entitled to all  
14 employee benefits offered to a peace officer by the political  
15 subdivision;

16 (2) divide the total amount deposited to the credit of  
17 the law enforcement officer standards and education fund account  
18 during the calendar year for which expenses are being reimbursed by  
19 the total number of positions computed under Subdivision (1); and

20 (3) multiply the per position share computed under  
21 Subdivision (2) by the number of filled positions in the local law  
22 enforcement agency during the calendar year for which expenses are  
23 being reimbursed that meet the requirements of Subdivision (1).

24 (d) The head of a law enforcement agency shall maintain a  
25 complete and detailed written record of expenses for which the  
26 agency seeks reimbursement under this section [~~money received and~~  
27 ~~spent by the agency under this section~~]. Money received under this

1 section is subject to audit by the comptroller. Money spent under  
2 this section is subject to audit by the state auditor.

3 ~~[(d) A local law enforcement agency shall use money received~~  
4 ~~under Subsection (a) only as necessary to ensure the continuing~~  
5 ~~education of persons licensed under this chapter or to provide~~  
6 ~~necessary training, as determined by the agency head, to full-time~~  
7 ~~fully paid law enforcement support personnel in the agency.]~~

8 (e) A local law enforcement agency may not use money  
9 received under this section ~~[Subsection (a)]~~ to replace funds that  
10 are provided to the agency by the county or municipality having  
11 jurisdiction over the agency on a recurring basis for training law  
12 enforcement officers ~~[and support personnel]~~.

13 SECTION 3. (a) If funds are available for that purpose, the  
14 criminal justice division of the governor's office shall award the  
15 first grants under Section 772.006(d), Government Code, as added by  
16 this Act, in the state fiscal year beginning September 1, 2005.

17 (b) The changes in law made by this Act to Section 1701.157,  
18 Occupations Code, apply to reimbursements made on or after January  
19 1, 2006, for expenses incurred by local law enforcement agencies  
20 during calendar year 2005.

21 SECTION 4. This Act takes effect September 1, 2005.