

BILL ANALYSIS

C.S.S.B. 1722
By: Ogden
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Department of Public Safety (DPS), the Texas Alcoholic Beverage Commission (TABC), the Texas Department of Criminal Justice (TDCJ), and the Parks and Wildlife Department employ commissioned peace officers. Important to performing the duties of a commissioned peace officer is physical fitness. State agencies that employ commissioned peace officers have an interest in ensuring that appropriate physical fitness standards are met by these peace officers.

C.S.S.B. 1722 requires DPS, TABC, and TDCJ, out of appropriated funds, to adopt physical fitness standards for commissioned peace officers the agencies employ and who are compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act. C.S.S.B. 1722 also requires the Parks and Wildlife Department, out of appropriated funds, to adopt physical fitness standards for commissioned peace officers the agency employs and who are compensated according to Schedule B or C of the position classification salary schedule prescribed by the General Appropriations Act. The bill requires that the respective adopted standards must directly relate to the officer's job duties and that a violation of the adopted standards is just cause to discharge or transfer the officer. The bill also provides that an officer may be exempted on the facts and circumstances of the individual case, including whether the officer was injured in the line of duty.

C.S.S.B 1722 also requires that, by November 1, 2008, the aforementioned state agencies shall adopt physical fitness standards, test their respective officers for compliance with the standards, and issue a report to the governor, lieutenant governor, speaker of the house of representatives, and the legislature as to the standards and rate of compliance.

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

SECTION 1. Amends Chapter 614, Government Code, by adding Subchapter H, as follows:

SUBCHAPTER H. STANDARDS FOR CERTAIN LAW ENFORCEMENT OFFICERS

Sec. 614.151. DEFINITIONS. Defines "law enforcement agency" and "law enforcement officer."

Sec. 614.152. PHYSICAL FITNESS STANDARDS.

(a) Requires that each law enforcement agency, out of appropriated funds, adopt physical fitness standards that a law enforcement officer is required to meet to continue employment as a law enforcement officer with the law enforcement agency. Requires that the standards as applied to an officer directly relate to the officer's job duties. Authorizes law enforcement agencies to use the services of a consultant to aid the law enforcement agency in developing standards.

(b) Provides that, except as provided by Subsection (c), a violation of a standard adopted under Subsection (a) is just cause to discharge an officer or transfer an officer to a position that is not compensated according to Schedule C of the position classification salary schedule prescribed by the General

Appropriations Act; or, for a law enforcement officer employed by the Parks and Wildlife Department and compensated according to Schedule B of the position classification salary schedule prescribed by the General Appropriations Act, transfer the officer to a position that does not require the employee to be a commissioned peace officer.

(c) Authorizes an agency to exempt a law enforcement officer from a standard under Subsection (a) based on the facts and circumstances of the individual case, including whether the officer was injured in the line of duty.

SECTION 2. Requires that the Department of Public Safety of the State of Texas, the Texas Alcoholic Beverage Commission, the Texas Department of Criminal Justice, and the Parks and Wildlife Department each adopt the standards required by Section 614.152, Government Code, as added by this Act; test the law enforcement officers to whom the standards apply for compliance with the standards; and issue a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the legislature that contains the standards adopted by the agency and the rate of compliance by the agency's law enforcement officers, not later than November 1, 2008.

SECTION 3. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1722 modifies the original by amending the caption to delete the reference to appearance.

Senate Bill 1722, as engrossed, referenced the term "physical fitness and appearance standards" in various sections of the bill and also in the relating clause. C.S.S.B. 1722 strikes the words "and appearance" from said term and replaces it with the term "physical fitness standards" in the various sections of the Committee Substitute and the relating clause.

C.S.S.B. 1722 changes the definition of "law enforcement officer" to include also commissioned peace officers employed by the Parks and Wildlife Department who are compensated according to Schedule B of the position classification salary schedule prescribed by the General Appropriations Act.

The engrossed version of Senate Bill 1722 provided that each "law enforcement agency" other than the Department of Public Safety must adopt standards at least as stringent as the standards adopted by the Department of Public Safety. C.S.S.B. 1722 strikes that requirement and instead provides that the standards as applied to an officer must directly relate to the officer's job duties. C.S.S.B. 1722 also provides that a "law enforcement agency" may use the services of a consultant to aid the agency in developing the standards; the engrossed version did not contain this provision.

The engrossed version of Senate Bill 1722 provided that not later than November 1, 2007, the Department of Public Safety of the State of Texas, the Texas Alcoholic Beverage Commission, and the Parks and Wildlife Department shall each adopt the standards required by Section 614.152, Government Code, as added by this Act. C.S.S.B. 1722 strikes that language and instead provides that by November 1, 2008, the Department of Public Safety of the State of Texas, the Texas Alcoholic Beverage Commission, the Texas Department of Criminal Justice, and the Parks and Wildlife Department shall adopt physical fitness standards, test their respective officers for compliance with the standards and issue a report to the governor, lieutenant governor, speaker of the house of representatives, and the legislature as to the standards and rate of compliance.

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