

By: Ogden

S.B. No. 1722

Substitute the following for S.B. No. 1722:

By: Driver

C.S.S.B. No. 1722

A BILL TO BE ENTITLED

AN ACT

relating to physical fitness standards for certain state law enforcement officers.

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

SECTION 1. Chapter 614, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. STANDARDS FOR CERTAIN LAW ENFORCEMENT OFFICERS

Sec. 614.151. DEFINITIONS. In this subchapter:

(1) "Law enforcement agency" means the Department of Public Safety, Texas Alcoholic Beverage Commission, Texas Department of Criminal Justice, and Parks and Wildlife Department.

(2) "Law enforcement officer" means a person who:

(A) is a commissioned peace officer;

(B) is employed by a law enforcement agency; and

(C) is compensated according to:

(i) Schedule C of the position classification salary schedule prescribed by the General Appropriations Act if the person is employed by a law enforcement agency other than the Parks and Wildlife Department; or

(ii) Schedule B or C of the position classification salary schedule prescribed by the General Appropriations Act if the person is employed by the Parks and Wildlife Department.

Sec. 614.152. PHYSICAL FITNESS STANDARDS. (a) Out of

1 appropriated funds, each law enforcement agency shall adopt
2 physical fitness standards that a law enforcement officer must meet
3 to continue employment with the agency as a law enforcement
4 officer. The standards as applied to an officer must directly
5 relate to the officer's job duties. A law enforcement agency may
6 use the services of a consultant to aid the agency in developing the
7 standards.

8 (b) Except as provided by Subsection (c), a violation of a
9 standard adopted under Subsection (a) is just cause to discharge an
10 officer or:

11 (1) transfer an officer to a position that is not
12 compensated according to Schedule C of the position classification
13 salary schedule prescribed by the General Appropriations Act; or

14 (2) for a law enforcement officer employed by the
15 Parks and Wildlife Department and compensated according to Schedule
16 B of the position classification salary schedule prescribed by the
17 General Appropriations Act, transfer the officer to a position that
18 does not require the employee to be a commissioned peace officer.

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

23 SECTION 2. Not later than November 1, 2008, the Department
24 of Public Safety of the State of Texas, the Texas Alcoholic Beverage
25 Commission, the Texas Department of Criminal Justice, and the Parks
26 and Wildlife Department shall each:

27 (1) adopt the standards required by Section 614.152,

1 Government Code, as added by this Act;

2 (2) test the law enforcement officers to whom the
3 standards apply for compliance with the standards; and

4 (3) issue a report to the governor, the lieutenant
5 governor, the speaker of the house of representatives, and the
6 legislature that contains the standards adopted by the agency and
7 the rate of compliance by the agency's law enforcement officers.

8 SECTION 3. This Act takes effect September 1, 2007.