

By: Driver

H.B. No. 2093

A BILL TO BE ENTITLED

AN ACT

relating to persons certified as peace officers.

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

SECTION 1. Section 1701.404, Occupations Code, is amended to read as follows:

Sec. 1701.404. CERTIFICATION OF OFFICERS FOR MENTAL HEALTH ASSIGNMENTS. (a) The commission by rule may establish minimum requirements for the training, testing, and certification of special officers for offenders with mental impairments.

(b) The commission may certify a sheriff, sheriff's deputy, constable, ~~or~~ other peace officer, county jailer, or ~~a~~ justice of the peace~~]~~ as a special officer for offenders with mental impairments if the person ~~[officer]~~:

(1) completes a training course in emergency first aid and lifesaving techniques approved by the commission;

(2) completes a training course administered by the commission on mental health issues and offenders with mental impairments; and

(3) passes an examination administered by the commission that is designed to test the person's ~~[officer's]~~:

(A) knowledge and recognition of the characteristics and symptoms of mental illness, mental retardation, and mental disabilities; and

(B) knowledge of mental health crisis

1 intervention strategies for people with mental impairments.

2 (c) The commission may issue a professional achievement or
3 proficiency certificate to an officer, county jailer, or justice of
4 the peace who meets the requirements of Subsection (b).

5 SECTION 2. Section 1702.322, Occupations Code, is amended
6 to read as follows:

7 Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter
8 does not apply to:

9 (1) a person who is a chief of police, sheriff,
10 constable, or other chief administrator of a law enforcement agency
11 in this state or is appointed, elected, or employed by the chief
12 administrator of a law enforcement agency [~~has full-time~~
13 ~~employment~~] as a peace officer, as defined by Section 1701.001, in
14 accordance with the licensing requirements adopted under rules of
15 the Commission on Law Enforcement Officer Standards and Education
16 and who receives compensation for private employment on an
17 individual or an independent contractor basis as a patrolman,
18 guard, extra job coordinator, or watchman if [~~the officer~~]:

19 (A) the officer is employed by the private
20 employer in an employee-employer relationship or [~~employed~~] on an
21 individual contractual basis;

22 (B) the private employment does not require the
23 officer to be [~~is not~~] in the employ of another peace officer;

24 (C) the officer is not a reserve peace officer;
25 and

26 (D) the officer works for the law enforcement
27 agency [~~as a peace officer~~] on the average of at least 32 hours a

1 week, is compensated by the state or a political subdivision of the
2 state at least at the minimum wage, and is entitled to all employee
3 benefits offered to a peace officer by the state or political
4 subdivision;

5 (2) a reserve peace officer while the reserve officer
6 is performing guard, patrolman, or watchman duties for a county and
7 is being compensated solely by that county;

8 (3) a peace officer acting in an official capacity in
9 responding to a burglar alarm or detection device; or

10 (4) a person engaged in the business of electronic
11 monitoring of an individual as a condition of that individual's
12 community supervision, parole, mandatory supervision, or release
13 on bail, if the person does not perform any other service that
14 requires a license under this chapter.

15 SECTION 3. (a) The Commission on Law Enforcement Officer
16 Standards and Education may certify a county jailer as a special
17 officer for offenders with mental impairments and may issue a
18 certificate to the county jailer if the county jailer meets the
19 requirements of Section 1701.404(b), Occupations Code, as amended
20 by this Act, regardless of whether the county jailer completed the
21 required training and passed the examination before, on, or after
22 the effective date of this Act.

23 (b) The Commission on Law Enforcement Officer Standards and
24 Education may issue a certificate under Section 1701.404(c),
25 Occupations Code, as amended by this Act, to a justice of the peace
26 who is certified as a special officer for offenders with mental
27 impairments regardless of whether the justice of the peace was

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1 certified before, on, or after the effective date of this Act.

2 SECTION 4. This Act takes effect September 1, 2009.