

By: Frost

H.B. No. 3174

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of certain telecommunicators; providing  
3 penalties.

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

5 SECTION 1. Section 1701.003(c), Occupations Code, is  
6 amended to read as follows:

7 (c) This chapter does not prevent an employing agency from  
8 establishing qualifications and standards for hiring or training  
9 officers, ~~and~~ county jailers, or telecommunicators that exceed  
10 the commission's minimum standards.

11 SECTION 2. Section 1701.151, Occupations Code, is amended  
12 to read as follows:

13 Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING  
14 AUTHORITY. The commission may:

15 (1) adopt rules for the administration of this chapter  
16 and for the commission's internal management and control;

17 (2) establish minimum standards relating to  
18 competence and reliability, including education, training,  
19 physical, mental, and moral standards, for licensing as an officer,  
20 county jailer, telecommunicator, or public security officer;

21 (3) report to the governor and legislature on the  
22 commission's activities, with recommendations on matters under the  
23 commission's jurisdiction, and make other reports that the  
24 commission considers desirable;

1           (4) require a state agency or a county, special  
2 district, or municipality in this state that employs officers,  
3 telecommunicators, or county jailers to submit reports and  
4 information;

5           (5) contract as the commission considers necessary for  
6 services, facilities, studies, and reports required for:

7                   (A) cooperation with municipal, county, special  
8 district, state, and federal law enforcement agencies in training  
9 programs; and

10                   (B) performance of the commission's other  
11 functions; and

12           (6) conduct research and stimulate research by public  
13 and private agencies to improve law enforcement and police  
14 administration.

15           SECTION 3. Section 1701.153(a), Occupations Code, is  
16 amended to read as follows:

17           (a) The commission shall establish reporting standards and  
18 procedures for:

19                   (1) appointment and termination of officers, ~~and~~  
20 county jailers, and telecommunicators by law enforcement agencies;

21                   (2) the activities of licensed training schools; and

22                   (3) other matters the commission considers necessary  
23 for the administration of this chapter.

24           SECTION 4. Sections 1701.251(a) and (c), Occupations Code,  
25 are amended to read as follows:

26           (a) The commission shall establish and maintain training  
27 programs for officers, telecommunicators, and county jailers. The

1 training shall be conducted by the commission staff or by other  
2 agencies and institutions the commission considers appropriate.

3 (c) The commission may:

4 (1) issue or revoke the license of a school operated by  
5 or for this state or a political subdivision of this state  
6 specifically for training officers, county jailers,  
7 telecommunicators, or recruits;

8 (2) operate schools and conduct preparatory,  
9 in-service, basic, and advanced courses in the schools, as the  
10 commission determines appropriate, for officers, county jailers,  
11 telecommunicators, and recruits;

12 (3) issue a license to a person to act as a qualified  
13 instructor under conditions that the commission prescribes; and

14 (4) consult and cooperate with a municipality, county,  
15 special district, state agency or other governmental agency, or a  
16 university, college, junior college, or other institution,  
17 concerning the development of schools and training programs for  
18 officers, telecommunicators, and county jailers.

19 SECTION 5. Sections 1701.254(a) and (b), Occupations Code,  
20 are amended to read as follows:

21 (a) The commission may visit and inspect a school conducting  
22 a training course for officers, county jailers, telecommunicators,  
23 or recruits and make necessary evaluations to determine if the  
24 school complies with this chapter and commission rules.

25 (b) The commission shall develop a risk assessment method to  
26 determine the relative performance of schools conducting training  
27 courses for officers, county jailers, telecommunicators, or

1 recruits. The commission shall base its schedule for inspection of  
2 schools on the results of the risk assessment.

3 SECTION 6. Section 1701.301, Occupations Code, is amended  
4 to read as follows:

5 Sec. 1701.301. LICENSE REQUIRED. Except as provided by  
6 Sections 1701.310 and 1701.311, a person may not appoint a person to  
7 serve as an officer, county jailer, telecommunicator, or public  
8 security officer unless the person appointed holds an appropriate  
9 license issued by the commission.

10 SECTION 7. Section 1701.303(b), Occupations Code, is  
11 amended to read as follows:

12 (b) A person who appoints an officer, telecommunicator, or  
13 county jailer licensed by the commission shall notify the  
14 commission not later than the 30th day after the date of the  
15 appointment. If the person appoints an individual who previously  
16 served as an officer, telecommunicator, or county jailer and the  
17 appointment occurs after the 180th day after the last date of  
18 service as an officer, telecommunicator, or county jailer, the  
19 person must have on file for the officer, telecommunicator, or  
20 county jailer in a form readily accessible to the commission:

- 21 (1) new criminal history record information;  
22 (2) a new declaration of psychological and emotional  
23 health and lack of drug dependency or illegal drug use; and  
24 (3) two completed fingerprint cards.

25 SECTION 8. Section 1701.304(b), Occupations Code, is  
26 amended to read as follows:

27 (b) The commission by rule shall establish minimum

1 qualifications for a person to be examined under this section. A  
2 person who is disqualified by law to be an officer,  
3 telecommunicator, or county jailer may not take an examination  
4 under this section.

5 SECTION 9. Sections 1701.306(a) and (b), Occupations Code,  
6 are amended to read as follows:

7 (a) The commission may not issue a license to a person as an  
8 officer, telecommunicator, or county jailer unless the person is  
9 examined by:

10 (1) a licensed psychologist or by a psychiatrist who  
11 declares in writing that the person is in satisfactory  
12 psychological and emotional health to serve as the type of officer  
13 for which a license is sought; and

14 (2) a licensed physician who declares in writing that  
15 the person does not show any trace of drug dependency or illegal  
16 drug use after a physical examination, blood test, or other medical  
17 test.

18 (b) An agency hiring a person for whom a license as an  
19 officer, telecommunicator, or county jailer is sought shall select  
20 the examining physician and the examining psychologist or  
21 psychiatrist. The agency shall prepare a report of each  
22 declaration required by Subsection (a) and shall maintain a copy of  
23 the report on file in a format readily accessible to the commission.  
24 A declaration is not public information.

25 SECTION 10. Section 1701.307(c), Occupations Code, is  
26 amended to read as follows:

27 (c) The commission may issue a temporary or permanent

1 license to a person to serve as a county jailer or telecommunicator.

2 SECTION 11. Section 1701.312(a), Occupations Code, is  
3 amended to read as follows:

4 (a) A person who has been convicted of a felony is  
5 disqualified to be an officer, public security officer,  
6 telecommunicator, or county jailer, and the commission may not  
7 issue a license to, and a law enforcement agency may not appoint or  
8 employ, the person.

9 SECTION 12. Section 1701.313(a), Occupations Code, is  
10 amended to read as follows:

11 (a) A person who has been convicted of barratry under  
12 Section 38.12, Penal Code, is disqualified to be an officer,  
13 telecommunicator, or county jailer, and the commission may not  
14 issue a license to the person.

15 SECTION 13. Section 1701.315, Occupations Code, is amended  
16 to read as follows:

17 Sec. 1701.315. RECORDS. The commission is entitled to  
18 access to records maintained under Sections 1701.303, 1701.306, and  
19 1701.310 by an agency hiring a person to be an officer,  
20 telecommunicator, or county jailer, including records that relate  
21 to age, education, physical standards, citizenship, experience,  
22 and other matters relating to competence and reliability, as  
23 evidence of qualification for licensing of an officer,  
24 telecommunicator, or county jailer.

25 SECTION 14. Section 1701.352, Occupations Code, is amended  
26 by amending Subsection (a) and adding Subsection (g) to read as  
27 follows:

1 (a) The commission shall recognize, prepare, or administer  
2 continuing education programs for officers, telecommunicators, and  
3 county jailers.

4 (g) The commission shall require a state, county, special  
5 district, or municipal agency that employs telecommunicators to  
6 provide each telecommunicator 24 hours of crisis communications  
7 instruction approved by the commission. The instruction must be  
8 provided on or before the first anniversary of the  
9 telecommunicator's first day of employment.

10 SECTION 15. Section 1701.401(c), Occupations Code, is  
11 amended to read as follows:

12 (c) The commission shall adopt rules for issuing  
13 achievement awards to peace officers, reserve peace officers,  
14 jailers, telecommunicators, or custodial officers who are licensed  
15 by the commission. The commission's rules shall require  
16 recommendations from an elected official of this state or a  
17 political subdivision, an administrator of a law enforcement  
18 agency, or a person holding a license issued by the commission.

19 SECTION 16. Section 1701.402(b), Occupations Code, is  
20 amended to read as follows:

21 (b) As a requirement for a basic proficiency certificate,  
22 the commission shall require completion of local courses or  
23 programs of instruction on federal and state statutes that relate  
24 to employment issues affecting peace officers, telecommunicators,  
25 and county jailers, including:

- 26 (1) civil service;  
27 (2) compensation, including overtime compensation,

1 and vacation time;

2 (3) personnel files and other employee records;

3 (4) management-employee relations in law enforcement  
4 organizations;

5 (5) work-related injuries;

6 (6) complaints and investigations of employee  
7 misconduct; and

8 (7) disciplinary actions and the appeal of  
9 disciplinary actions.

10 SECTION 17. Sections 1701.405(b) and (e), Occupations Code,  
11 are amended to read as follows:

12 (b) This state or a political subdivision of this state may  
13 not appoint or employ a person to act as a telecommunicator unless  
14 the person:

15 (1) has had at least 40 hours of telecommunicator  
16 training as determined by the commission;

17 (2) is at least 18 years of age; and

18 (3) holds a high school diploma or high school  
19 equivalency certificate.

20 (e) This section does not apply to a person who:

21 (1) performs the duties of a telecommunicator; and

22 (2) is employed by a law enforcement agency that [+

23 [~~(A) employs 20 or fewer employees; or~~

24 [~~(B)~~] does not perform law enforcement services  
25 on a 24-hour basis.

26 SECTION 18. Section 1701.551(a), Occupations Code, is  
27 amended to read as follows:



1           (a) A person commits an offense if the person appoints or  
2 retains another person as an officer, telecommunicator, or county  
3 jailer in violation of Section 1701.301, 1701.303, or 1701.306.

4           SECTION 19. Section 1701.553(a), Occupations Code, is  
5 amended to read as follows:

6           (a) A person commits an offense if the person appoints or  
7 retains an individual as an officer, public security officer,  
8 telecommunicator, or county jailer in violation of Section 1701.312  
9 or 1701.313.

10          SECTION 20. (a) Not later than December 1, 2009, the Texas  
11 Commission on Law Enforcement Officer Standards and Education by  
12 rule shall adopt requirements for a telecommunicator license under  
13 Chapter 1701, Occupations Code, as amended by this Act.

14          (b) A person is not required to hold a license under Section  
15 1701.301, Occupations Code, as amended by this Act, until January  
16 1, 2010.

17          SECTION 21. The changes in law made by this Act to Sections  
18 1701.551 and 1701.553, Occupations Code, apply only to offenses  
19 committed on or after January 1, 2010. An offense committed before  
20 the effective date of this Act is governed by the law in effect when  
21 the offense was committed, and the former law is continued in effect  
22 for that purpose.

23          SECTION 22. This Act takes effect September 1, 2009.