

By: Gallego

H.B. No. 3732

Substitute the following for H.B. No. 3732:

By: Frost

C.S.H.B. No. 3732

A BILL TO BE ENTITLED

AN ACT

1
2 relating to readiness standards adopted by a law enforcement
3 agency.

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

5 SECTION 1. Section 614.151(2), Government Code, as added by
6 Chapter 1159 (H.B. 12), Acts of the 80th Legislature, Regular
7 Session, 2007, is amended to read as follows:

8 (2) "Law enforcement officer" means a person who [+

9 [~~(A)~~] is a commissioned peace officer [+

10 [~~(B) is~~] employed by a law enforcement agency [+

11 and

12 [~~(C) is compensated according to:~~

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

17 [~~(ii) Schedule B or C of the position~~
18 ~~classification salary schedule prescribed by the General~~
19 ~~Appropriations Act if the person is employed by the Parks and~~
20 ~~Wildlife Department].~~

21 SECTION 2. Section 614.152, Government Code, as added by
22 Chapter 1159 (H.B. 12), Acts of the 80th Legislature, Regular
23 Session, 2007, is amended to read as follows:

24 Sec. 614.152. PHYSICAL READINESS [~~FITNESS~~] STANDARDS.

1 (a) Out of appropriated funds, each law enforcement agency, in
2 consultation with physical readiness experts, shall adopt physical
3 readiness [~~fitness~~] standards that a law enforcement officer
4 appointed or employed by the agency must meet [~~to continue~~
5 ~~employment with the agency as a law enforcement officer~~]. The
6 standards as applied to an officer must directly relate to the
7 officer's functional job description and performance standards and
8 must include individual readiness goals relative to an officer's
9 age, weight, and gender [~~job duties~~]. A law enforcement agency
10 shall use the services of a consultant to aid the agency in
11 developing the standards.

12 (b) An agency may adopt physical readiness standards
13 independent of other law enforcement agencies.

14 (c) A [~~Except as provided by Subsection (c), a~~] violation of
15 a standard adopted under Subsection (a) is not just cause to
16 discharge an officer or to [+

17 [~~(1)~~] transfer the [~~an~~] officer to a position that is
18 [~~not~~] compensated at a level less than the officer's current
19 position is compensated according to the [~~Schedule C of the~~
20 ~~position classification~~] salary schedule applicable to the
21 officer's current position. An officer who fails to meet a standard
22 adopted under Subsection (a) may be transferred to a position
23 classified at the same or a higher salary level [~~prescribed by the~~
24 ~~General Appropriations Act, or~~

25 [~~(2) for a law enforcement officer employed by the~~
26 ~~Parks and Wildlife Department and compensated according to Schedule~~
27 ~~B of the position classification salary schedule prescribed by the~~

1 ~~General Appropriations Act, transfer the officer to a position that~~
2 ~~does not require the employee to be a commissioned peace officer].~~

3 (d) [~~(c)~~] A law enforcement agency may temporarily exempt a
4 law enforcement officer from a standard under Subsection (a) based
5 on the facts and circumstances of the individual case, including
6 whether an officer was injured in the line of duty.

7 SECTION 3. This Act takes effect September 1, 2009.