

SENATE AMENDMENTS

2nd Printing

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~~[7]~~ 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

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

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

ADOPTED

MAY 25 2009

Latey Spaw
Secretary of the Senate

By: Driver

H.B. No. 2093

Substitute the following for H.B. No. 2093:

By: Sluzer

C.S. H.B. No. 2093

A BILL TO BE ENTITLED

AN ACT

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relating to the certification of a county jailer as a special officer for offenders with mental impairments.

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~~[r]~~ 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

1 impairments; and

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

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

7 (B) knowledge of mental health crisis
8 intervention strategies for people with mental impairments.

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

12 SECTION 2. (a) The Commission on Law Enforcement Officer
13 Standards and Education may certify a county jailer as a special
14 officer for offenders with mental impairments and may issue a
15 certificate to the county jailer if the county jailer meets the
16 requirements of Section 1701.404(b), Occupations Code, as
17 amended by this Act, regardless of whether the county jailer
18 completed the required training and passed the examination
19 before, on, or after the effective date of this Act.

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

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

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

ADOPTED

MAY 25 2009

Patricia Spaw
Secretary of the Senate
Roger W. W.

FLOOR AMENDMENT NO. 1

BY: _____

1 Amend C.S.H.B. No. 2093 (Senate Committee Printing) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Article 59.06, Code of Criminal Procedure, is
5 amended by adding Subsections (r) and (s) to read as follows:

6 (r) As a specific exception to Subsection (c)(2), (3), or
7 (4), a law enforcement agency may transfer not more than 10 percent
8 of the gross amount credited to the agency's fund to a separate
9 special fund in the treasury of the political subdivision or state
10 law enforcement agency, as applicable. The law enforcement agency
11 shall administer the separate special fund. Interest received from
12 the investment of money in the fund shall be credited to the fund.
13 The agency may use money in the fund only to provide scholarships to
14 children of peace officers who were employed by the agency or by
15 another law enforcement agency with which the agency has
16 overlapping geographic jurisdiction and who were killed in the line
17 of duty. Scholarships under this subsection may be used only to pay
18 the costs of attendance at an institution of higher education or
19 private or independent institution of higher education, including
20 tuition and fees and costs for housing, books, supplies,
21 transportation, and other related personal expenses. In this
22 subsection, "institution of higher education" and "private or
23 independent institution of higher education" have the meanings
24 assigned by Section 61.003, Education Code.

25 (s) Not later than April 1 of each year, the attorney
26 general shall develop a report detailing the total value of
27 forfeited property in this state in the preceding calendar year, as
28 specified according to the law enforcement agency seizing the
29 property. The attorney general shall maintain in a prominent

- 1 location on its publicly accessible Internet website a link to the
- 2 most recent annual report developed under this subsection.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2093 by Driver (Relating to the certification of a county jailer as a special officer for offenders with mental impairments.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code, Section 1704.404 to include county jailers among the positions eligible for certification as a special officer for offenders with mental impairments upon completion of certain training.

The bill would also amend the Code of Criminal Procedure and allow law enforcement agencies to transfer no more than 10 percent of the gross amount credited to the entity's criminal asset forfeiture fund into a special fund to provide college scholarships to children of peace officers killed in the line of duty. The bill would also require the Attorney General to produce an annual report of the total value of this forfeited property for each calendar year.

The bill would take effect September 1, 2009. It is assumed that the fiscal impact to the state would not be significant.

Local Government Impact

There could be some administrative costs associated with establishing a separate special fund, and disbursing funds to eligible recipients; however, the fiscal impact to units of local government is not anticipated to be significant.

Source Agencies: 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2093 by Driver (Relating to the certification of a county jailer as a special officer for offenders with mental impairments.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code, Section 1704.404 to include county jailers among the positions eligible for certification as a special officer for offenders with mental impairments upon completion of certain training. The bill would take effect September 1, 2009. The Texas Commission on Law Enforcement Officer Standards and Education anticipates no significant fiscal impact to their agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, ESi

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2093 by Driver (Relating to persons certified as peace officers.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code, Section 1704.404 to include county jailers among the positions eligible for certification as a special officer for offenders with mental impairments upon completion of certain training. The bill would also exempt certain law enforcement personnel from certain provisions in Chapter 1702, Occupation Code, relating to private security. The bill would take effect September 1, 2009. The Texas Commission on Law Enforcement Officer Standards and Education anticipates no significant fiscal impact to their agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 10, 2009

TO: Honorable Tommy Merritt, Chair, House Committee on Public Safety

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2093 by Driver (Relating to the certification of a county jailer as a special officer for offenders with mental impairments.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code, Section 1704.404 to include county jailers among the positions eligible for certification as a special officer for offenders with mental impairments upon completion of certain training. The bill would take effect September 1, 2009. The Texas Commission on Law Enforcement Officer Standards and Education anticipates no significant fiscal impact to their agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2093 by Driver (Relating to the certification of a county jailer as a special officer for offenders with mental impairments.), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, TMP

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LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2093 by Driver (Relating to persons certified as peace officers.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, LM

