

BILL ANALYSIS

Senate Research Center
82R16294 SLB-D

H.B. 3823
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Transportation & Homeland Security
5/14/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current training standards for emergency service telecommunicators require only one basic training course. Interested parties note that this minimal training is waived for persons acting as telecommunicators for law enforcement agencies that employ 20 or fewer persons, putting officers and citizens at potential risk on a daily basis and causing operational security concerns. Current training standards allow a telecommunicator with little training to make life and death decisions and act as a lifeline to law enforcement officers. H.B. 3823 addresses these issues by establishing hiring standards, strengthening training standards, and applying certain other employment requirements to telecommunicators.

H.B. 3823 amends current law relating to the regulation of certain telecommunicators and provides penalties.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Law Enforcement Officer Standards and Education is modified in SECTION 3 (Section 1701.151, Occupations Code) and SECTION 5 (Section 1701.254, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1701.001, Occupations Code, by adding Subdivision (7), to define "telecommunicator."

SECTION 2. Amends Section 1701.003(c), Occupations Code, to provide that this chapter does not prevent an employing agency from establishing qualifications and standards for hiring or training officers, county jailers, or telecommunicators that exceed the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) minimum standards. Makes a nonsubstantive change.

SECTION 3. Amends Section 1701.151, Occupations Code, as follows:

Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING AUTHORITY. Authorizes TCLEOSE to perform certain actions, including to establish minimum standards relating to competence and reliability, including education, training, physical, mental, and moral standards, for licensing as an officer, county jailer, or public security officer or employment as a telecommunicator; and to require a state agency or a county, special district, or municipality in this state that employs officers, telecommunicators, or county jailers to submit reports and information.

SECTION 4. Amends Section 1701.153(a), Occupations Code, to require TCLEOSE to establish certain reporting standards and procedures, including the appointment or employment and the termination of officers, county jailers, and telecommunicators by law enforcement agencies.

SECTION 5. Amends Sections 1701.254(a) and (b), Occupations Code, as follows:

(a) Authorizes TCLEOSE to visit and inspect a school conducting a training course for officers, county jailers, telecommunicators, or recruits and make necessary evaluations to determine if the school complies with this chapter and TCLEOSE rules.

(b) Requires TCLEOSE to develop a risk assessment method to determine the relative performance of schools conducting training courses for officers, county jailers, telecommunicators, or recruits.

SECTION 6. Amends Section 1701.312(a), Occupations Code, to provide that a person who has been convicted of a felony is disqualified from being an officer, public security officer, telecommunicator, or county jailer, and TCLEOSE is prohibited from issuing a license to, and a law enforcement agency is prohibited from appointing or employing, the person.

SECTION 7. Amends Section 1701.313(a), Occupations Code, to provide that a person who has been convicted of barratry under Section 38.12 (Barratry and Solicitation of Professional Employment), Penal Code, is disqualified to be an officer, telecommunicator, or county jailer, and TCLEOSE may not issue a license to the person.

SECTION 8. Amends Section 1701.352, Occupations Code, by adding Subsection (h), as follows:

(h) Requires TCLEOSE to require a state, county, special district, or municipal agency that employs telecommunicators to provide each telecommunicator with 24 hours of crisis communications instruction approved by TCLEOSE. Requires that the instruction be provided on or before the first anniversary of the telecommunicator's first day of employment.

SECTION 9. Amends Section 1701.402(b), Occupations Code, as follows:

(b) Requires TCLEOSE, as a requirement for a basic proficiency certificate, to require completion of local courses or programs of instruction on federal and state statutes that relate to employment issues affecting peace officers, telecommunicators, and county jailers, including:

- (1) civil service;
- (2) compensation, including overtime compensation, and vacation time;
- (3) personnel files and other employee records;
- (4) management-employee relations in law enforcement organizations;
- (5) work-related injuries;
- (6) complaints and investigations of employee misconduct; and
- (7) disciplinary actions and the appeal of disciplinary actions.

SECTION 10. Amends Section 1701.405(b), Occupations Code, as follows:

(b) Prohibits this state or a political subdivision of this state from employing a person, or appointing or employing a person, to act as a telecommunicator unless the person:

- (1) has had at least 40 hours of telecommunicator training as determined by TCLEOSE;
- (2) is at least 18 years of age; and
- (3) holds a high school diploma or high school equivalency certificate.

SECTION 11. Amends Section 1701.553(a), Occupations Code, to provide that a person commits an offense if the person appoints, employs, or retains an individual as an officer, public security officer, telecommunicator, or county jailer in violation of Section 1701.312 (Disqualification: Felony Conviction or Placement on Community Supervision) or 1701.313 (Disqualification: Conviction of Barratry).

SECTION 12. Repealers: Sections 1701.405(a)(1) (defining "communication"), 1701.405(a)(3) (defining "telecommunicator"), and 1701.405(e) (relating to this section applying to a person who meets certain criteria), Occupations Code.

SECTION 13. (a) Requires TCLEOSE, not later than December 1, 2011, to adopt rules as necessary to implement the changes in law made by this Act to Chapter 1701, Occupations Code.

(b) Makes application of Sections 1701.312, 1701.313, and 1701.405(b), Occupations Code, prospective to September 1, 2011.

SECTION 14. Effective date: September 1, 2011.