

BILL ANALYSIS

H.B. 3823
By: Thompson
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 seeks to address these issues by establishing hiring standards, strengthening training standards, and applying certain other employment requirements to telecommunicators.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commission on Law Enforcement Officer Standards and Education in SECTIONS 3 and 13 of this bill.

ANALYSIS

H.B. 3823 amends the Occupations Code to establish that provisions of law relating to law enforcement officers do not prevent an employing agency from establishing qualifications and standards for hiring or training telecommunicators that exceed the minimum standards of the Commission on Law Enforcement Officer Standards and Education. The bill includes telecommunicators within the applicability of provisions of law relating to the following: the commission's duty to establish minimum competency and reliability standards for certain law enforcement personnel, to require certain entities employing such personnel to submit reports and information, to establish reporting standards and procedures for entities in appointing, employing, and terminating personnel, and to inspect a school conducting training courses for law enforcement personnel and develop a risk assessment method to determine the relative performance of such schools; the disqualification of law enforcement personnel for a conviction or placement on community supervision for a felony or for a conviction of barratry; and the commission's issuance of proficiency certificates to law enforcement personnel.

H.B. 3823 requires the commission 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 the commission and requires the instruction to be provided on or before the first anniversary of the telecommunicator's first day of employment. The bill includes in the eligibility requirements for a person to be employed as a telecommunicator in Texas that the person is at least 18 years of age and holds a high school diploma or high school equivalency certificate. The bill removes, in the prohibition against the state or a political subdivision of the state appointing or employing a person to act as a telecommunicator unless those requirements are met, the reference to appointing. The bill expands the conditions under which a person commits an offense by appointing or retaining as law enforcement personnel an individual with a felony or barratry conviction to include employing an individual as a telecommunicator.

H.B. 3823 requires the Texas Commission on Law Enforcement Officer Standards and Education, not later than December 1, 2011, to adopt rules as necessary to implement the bill's provisions. The bill defines "telecommunicator."

H.B. 3823 repeals Sections 1701.405(a)(1) and (3), Occupations Code, defining "communication" and "telecommunicator," and 1701.405(e), Occupations Code, exempting certain persons who perform the duties of a telecommunicator from statutory provisions governing telecommunicators.

EFFECTIVE DATE

September 1, 2011.