

By: Thompson

H.B. No. 3823

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain telecommunicators; providing penalties.

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

SECTION 1. Section 1701.001, Occupations Code, is amended by adding Subdivision (7) to read as follows:

(7) "Telecommunicator" means a person acknowledged by the commission and employed by or serving a law enforcement agency that performs law enforcement services on a 24-hour basis who receives, processes, and transmits public safety information and criminal justice data for the agency by using a base radio station on a public safety frequency regulated by the Federal Communications Commission or by another method of communication.

SECTION 2. Section 1701.003(c), Occupations Code, is amended to read as follows:

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

SECTION 3. Section 1701.151, Occupations Code, is amended to read as follows:

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

(1) adopt rules for the administration of this chapter

1 and for the commission's internal management and control;

2 (2) establish minimum standards relating to  
3 competence and reliability, including education, training,  
4 physical, mental, and moral standards, for licensing as an officer,  
5 county jailer, or public security officer or employment as a  
6 telecommunicator;

7 (3) report to the governor and legislature on the  
8 commission's activities, with recommendations on matters under the  
9 commission's jurisdiction, and make other reports that the  
10 commission considers desirable;

11 (4) require a state agency or a county, special  
12 district, or municipality in this state that employs officers,  
13 telecommunicators, or county jailers to submit reports and  
14 information;

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

17 (A) cooperation with municipal, county, special  
18 district, state, and federal law enforcement agencies in training  
19 programs; and

20 (B) performance of the commission's other  
21 functions; and

22 (6) conduct research and stimulate research by public  
23 and private agencies to improve law enforcement and police  
24 administration.

25 SECTION 4. Section 1701.153(a), Occupations Code, is  
26 amended to read as follows:

27 (a) The commission shall establish reporting standards and

1 procedures for:

2 (1) the appointment or employment and the termination  
3 of officers, ~~[and]~~ county jailers, and telecommunicators by law  
4 enforcement agencies;

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

6 (3) other matters the commission considers necessary  
7 for the administration of this chapter.

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

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

14 (b) The commission shall develop a risk assessment method to  
15 determine the relative performance of schools conducting training  
16 courses for officers, county jailers, telecommunicators, or  
17 recruits. The commission shall base its schedule for inspection of  
18 schools on the results of the risk assessment.

19 SECTION 6. Section 1701.312(a), Occupations Code, is  
20 amended to read as follows:

21 (a) A person who has been convicted of a felony is  
22 disqualified to be an officer, public security officer,  
23 telecommunicator, or county jailer, and the commission may not  
24 issue a license to, and a law enforcement agency may not appoint or  
25 employ, the person.

26 SECTION 7. Section 1701.313(a), Occupations Code, is  
27 amended to read as follows:

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

5 SECTION 8. Section 1701.352, Occupations Code, is amended  
6 by adding Subsection (h) to read as follows:

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

13 SECTION 9. Section 1701.402(b), Occupations Code, is  
14 amended to read as follows:

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

- 20 (1) civil service;
- 21 (2) compensation, including overtime compensation,  
22 and vacation time;
- 23 (3) personnel files and other employee records;
- 24 (4) management-employee relations in law enforcement  
25 organizations;
- 26 (5) work-related injuries;
- 27 (6) complaints and investigations of employee

1 misconduct; and

2 (7) disciplinary actions and the appeal of  
3 disciplinary actions.

4 SECTION 10. Section 1701.405(b), Occupations Code, is  
5 amended to read as follows:

6 (b) This state or a political subdivision of this state may  
7 not [~~appoint or~~] employ a person to act as a telecommunicator unless  
8 the person:

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

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

12 (3) holds a high school diploma or high school  
13 equivalency certificate.

14 SECTION 11. Section 1701.553(a), Occupations Code, is  
15 amended to read as follows:

16 (a) A person commits an offense if the person appoints,  
17 employs, or retains an individual as an officer, public security  
18 officer, telecommunicator, or county jailer in violation of Section  
19 1701.312 or 1701.313.

20 SECTION 12. Sections 1701.405(a)(1) and (3) and  
21 1701.405(e), Occupations Code, are repealed.

22 SECTION 13. (a) Not later than December 1, 2011, the Texas  
23 Commission on Law Enforcement Officer Standards and Education shall  
24 adopt rules as necessary to implement the changes in law made by  
25 this Act to Chapter 1701, Occupations Code.

26 (b) The changes in law made by this Act to Sections  
27 1701.312, 1701.313, and 1701.405(b), Occupations Code, apply only

1 to a person first employed as a telecommunicator on or after  
2 September 1, 2011. A person first employed as a telecommunicator  
3 before September 1, 2011, is subject to the law in effect at the  
4 time the employment commenced, and the former law is continued in  
5 effect for that purpose.

6 SECTION 14. This Act takes effect September 1, 2011.