

1-1 By: Thompson (Senate Sponsor - Ellis) H.B. No. 3823
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 4, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 20, 2011, reported
1-5 favorably by the following vote: Yeas 9, Nays 0; May 20, 2011, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the regulation of certain telecommunicators; providing
1-10 penalties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 1701.001, Occupations Code, is amended
1-13 by adding Subdivision (7) to read as follows:

1-14 (7) "Telecommunicator" means a person acknowledged by
1-15 the commission and employed by or serving a law enforcement agency
1-16 that performs law enforcement services on a 24-hour basis who
1-17 receives, processes, and transmits public safety information and
1-18 criminal justice data for the agency by using a base radio station
1-19 on a public safety frequency regulated by the Federal
1-20 Communications Commission or by another method of communication.

1-21 SECTION 2. Section 1701.003(c), Occupations Code, is
1-22 amended to read as follows:

1-23 (c) This chapter does not prevent an employing agency from
1-24 establishing qualifications and standards for hiring or training
1-25 officers, ~~and~~ county jailers, or telecommunicators that exceed
1-26 the commission's minimum standards.

1-27 SECTION 3. Section 1701.151, Occupations Code, is amended
1-28 to read as follows:

1-29 Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING
1-30 AUTHORITY. The commission may:

1-31 (1) adopt rules for the administration of this chapter
1-32 and for the commission's internal management and control;

1-33 (2) establish minimum standards relating to
1-34 competence and reliability, including education, training,
1-35 physical, mental, and moral standards, for licensing as an officer,
1-36 county jailer, or public security officer or employment as a
1-37 telecommunicator;

1-38 (3) report to the governor and legislature on the
1-39 commission's activities, with recommendations on matters under the
1-40 commission's jurisdiction, and make other reports that the
1-41 commission considers desirable;

1-42 (4) require a state agency or a county, special
1-43 district, or municipality in this state that employs officers,
1-44 telecommunicators, or county jailers to submit reports and
1-45 information;

1-46 (5) contract as the commission considers necessary for
1-47 services, facilities, studies, and reports required for:

1-48 (A) cooperation with municipal, county, special
1-49 district, state, and federal law enforcement agencies in training
1-50 programs; and

1-51 (B) performance of the commission's other
1-52 functions; and

1-53 (6) conduct research and stimulate research by public
1-54 and private agencies to improve law enforcement and police
1-55 administration.

1-56 SECTION 4. Section 1701.153(a), Occupations Code, is
1-57 amended to read as follows:

1-58 (a) The commission shall establish reporting standards and
1-59 procedures for:

1-60 (1) the appointment or employment and the termination
1-61 of officers, ~~and~~ county jailers, and telecommunicators by law
1-62 enforcement agencies;

1-63 (2) the activities of licensed training schools; and

1-64 (3) other matters the commission considers necessary

2-1 for the administration of this chapter.

2-2 SECTION 5. Sections 1701.254(a) and (b), Occupations Code,
2-3 are amended to read as follows:

2-4 (a) The commission may visit and inspect a school conducting
2-5 a training course for officers, county jailers, telecommunicators,
2-6 or recruits and make necessary evaluations to determine if the
2-7 school complies with this chapter and commission rules.

2-8 (b) The commission shall develop a risk assessment method to
2-9 determine the relative performance of schools conducting training
2-10 courses for officers, county jailers, telecommunicators, or
2-11 recruits. The commission shall base its schedule for inspection of
2-12 schools on the results of the risk assessment.

2-13 SECTION 6. Section 1701.312(a), Occupations Code, is
2-14 amended to read as follows:

2-15 (a) A person who has been convicted of a felony is
2-16 disqualified to be an officer, public security officer,
2-17 telecommunicator, or county jailer, and the commission may not
2-18 issue a license to, and a law enforcement agency may not appoint or
2-19 employ, the person.

2-20 SECTION 7. Section 1701.313(a), Occupations Code, is
2-21 amended to read as follows:

2-22 (a) A person who has been convicted of barratry under
2-23 Section 38.12, Penal Code, is disqualified to be an officer,
2-24 telecommunicator, or county jailer, and the commission may not
2-25 issue a license to the person.

2-26 SECTION 8. Section 1701.352, Occupations Code, is amended
2-27 by adding Subsection (h) to read as follows:

2-28 (h) The commission shall require a state, county, special
2-29 district, or municipal agency that employs telecommunicators to
2-30 provide each telecommunicator with 24 hours of crisis
2-31 communications instruction approved by the commission. The
2-32 instruction must be provided on or before the first anniversary of
2-33 the telecommunicator's first day of employment.

2-34 SECTION 9. Section 1701.402(b), Occupations Code, is
2-35 amended to read as follows:

2-36 (b) As a requirement for a basic proficiency certificate,
2-37 the commission shall require completion of local courses or
2-38 programs of instruction on federal and state statutes that relate
2-39 to employment issues affecting peace officers, telecommunicators,
2-40 and county jailers, including:

2-41 (1) civil service;

2-42 (2) compensation, including overtime compensation,
2-43 and vacation time;

2-44 (3) personnel files and other employee records;

2-45 (4) management-employee relations in law enforcement
2-46 organizations;

2-47 (5) work-related injuries;

2-48 (6) complaints and investigations of employee
2-49 misconduct; and

2-50 (7) disciplinary actions and the appeal of
2-51 disciplinary actions.

2-52 SECTION 10. Section 1701.405(b), Occupations Code, is
2-53 amended to read as follows:

2-54 (b) This state or a political subdivision of this state may
2-55 not ~~appoint or~~ employ a person to act as a telecommunicator unless
2-56 the person:

2-57 (1) has had at least 40 hours of telecommunicator
2-58 training as determined by the commission;

2-59 (2) is at least 18 years of age; and

2-60 (3) holds a high school diploma or high school
2-61 equivalency certificate.

2-62 SECTION 11. Section 1701.553(a), Occupations Code, is
2-63 amended to read as follows:

2-64 (a) A person commits an offense if the person appoints,
2-65 employs, or retains an individual as an officer, public security
2-66 officer, telecommunicator, or county jailer in violation of Section
2-67 1701.312 or 1701.313.

2-68 SECTION 12. Sections 1701.405(a)(1) and (3) and
2-69 1701.405(e), Occupations Code, are repealed.

3-1 SECTION 13. (a) Not later than December 1, 2011, the Texas
3-2 Commission on Law Enforcement Officer Standards and Education shall
3-3 adopt rules as necessary to implement the changes in law made by
3-4 this Act to Chapter 1701, Occupations Code.

3-5 (b) The changes in law made by this Act to Sections
3-6 1701.312, 1701.313, and 1701.405(b), Occupations Code, apply only
3-7 to a person first employed as a telecommunicator on or after
3-8 September 1, 2011. A person first employed as a telecommunicator
3-9 before September 1, 2011, is subject to the law in effect at the
3-10 time the employment commenced, and the former law is continued in
3-11 effect for that purpose.

3-12 SECTION 14. This Act takes effect September 1, 2011.

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