

By: Hegar

S.B. No. 542

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.

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

SECTION 1. Subsection (c), Section 1701.055, Occupations Code, is amended to read as follows:

(c) Five members~~[, excluding ex officio members,]~~ constitute a quorum.

SECTION 2. Subsections (a) and (b), Section 1701.306, Occupations Code, are amended to read as follows:

(a) The commission may not issue a license to a person ~~[as an officer or county jailer]~~ unless the person is examined by:

(1) a licensed psychologist or by a psychiatrist who declares in writing that the person is in satisfactory psychological and emotional health to serve as the type of officer for which a license is sought; and

(2) a licensed physician who declares in writing that the person does not show any trace of drug dependency or illegal drug use after a ~~[physical examination,]~~ blood test~~[,]~~ or other medical test.

(b) An agency hiring a person for whom a license ~~[as an officer or county jailer]~~ is sought shall select the examining physician and the examining psychologist or psychiatrist. The agency shall prepare a report of each declaration required by

1 Subsection (a) and shall maintain a copy of the report on file in a
2 format readily accessible to the commission. A declaration is not
3 public information.

4 SECTION 3. Subsection (e), Section 1701.310, Occupations
5 Code, is amended to read as follows:

6 (e) A person trained and certified by the Texas Department
7 of Criminal Justice to serve as a corrections officer in that
8 agency's correctional institutions division is not required to
9 complete the training requirements of this section to be appointed
10 a part-time county jailer. Examinations under Section 1701.304 and
11 psychological ~~[and physical]~~ examinations under Section 1701.306
12 apply.

13 SECTION 4. Section 1701.353, Occupations Code, is amended
14 to read as follows:

15 Sec. 1701.353. CONTINUING EDUCATION PROCEDURES. (a) The
16 commission by rule shall adopt procedures to:

17 (1) ensure the timely and accurate reporting by
18 agencies and persons licensed under this chapter ~~[peace officers]~~
19 of information related to training programs offered under this
20 subchapter, including procedures for creating training records for
21 license holders ~~[individual peace officers]~~; and

22 (2) provide adequate notice to agencies and license
23 holders ~~[peace officers]~~ of impending noncompliance with the
24 training requirements of this subchapter so that the agencies and
25 license holders ~~[peace officers]~~ may comply within the 24-month
26 period or 48-month period, as appropriate.

27 (b) The commission shall require agencies to report to the

1 commission in a timely manner the reasons that a license holder
2 [~~peace officer~~] is in noncompliance after the agency receives
3 notice by the commission of the license holder's [~~peace officer's~~]
4 noncompliance. The commission shall, following receipt of an
5 agency's report or on a determination that the agency has failed to
6 report in a timely manner, notify the license holder [~~peace~~
7 ~~officer~~] by certified mail of the reasons the license holder [~~peace~~
8 ~~officer~~] is in noncompliance and that the commission at the request
9 of the license holder [~~peace officer~~] will hold a hearing as
10 provided by this subsection if the license holder [~~peace officer~~]
11 fails to obtain the required training within 60 days after the date
12 the license holder [~~peace officer~~] receives notice under this
13 subsection. The commission shall conduct a hearing consistent with
14 Section 1701.504 if the license holder [~~peace officer~~] claims that:

- 15 (1) mitigating circumstances exist; or
16 (2) the license holder [~~peace officer~~] failed to
17 complete the required training because the license holder's [~~peace~~
18 ~~officer's~~] employing agency did not provide an adequate opportunity
19 for the license holder [~~peace officer~~] to attend the required
20 training course.

21 SECTION 5. Subchapter H, Chapter 1701, Occupations Code, is
22 amended by adding Section 1701.358 to read as follows:

23 Sec. 1701.358. INITIAL TRAINING AND CONTINUING EDUCATION
24 FOR POLICE CHIEFS. A police chief shall complete the initial
25 training and continuing education required under Section 96.641,
26 Education Code.

27 SECTION 6. Subsection (d), Section 1701.055, Occupations

1 Code, is repealed.

2 SECTION 7. The changes in law made by this Act to Section
3 1701.306, Occupations Code, apply to a license for which an
4 application is filed on or after the effective date of this Act. A
5 license application filed before the effective date of this Act is
6 governed by the law in effect on the date the application was filed,
7 and the former law is continued in effect for that purpose.

8 SECTION 8. This Act takes effect September 1, 2011.