

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.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 542 passed the Senate on March 24, 2011, by the following vote: Yeas 31, Nays 0; May 27, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 28, 2011, House granted request of the Senate; May 29, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 542 passed the House, with amendments, on May 24, 2011, by the following vote: Yeas 147, Nays 0, two present not voting; May 28, 2011, House granted request of the Senate for appointment of Conference Committee; May 29, 2011, House adopted Conference Committee Report by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor