

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

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

SECTION 2. Sections 1701.306(a) and (b), 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. Section 1701.310(e), Occupations Code, is
5 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. Subchapter H, Chapter 1701, Occupations Code, is
14 amended by adding Section 1701.3515 to read as follows:

15 Sec. 1701.3515. CONTINUING EDUCATION REQUIRED FOR COUNTY
16 JAILERS. Each county jailer shall complete a program described by
17 Section 1701.352(b) at least once every 48 months. The commission
18 may suspend the license of a county jailer who fails to comply with
19 this requirement.

20 SECTION 5. Section 1701.352(b), Occupations Code, is
21 amended to read as follows:

22 (b) The commission shall require a state, county, special
23 district, or municipal agency that appoints or employs peace
24 officers or county jailers to provide each peace officer or county
25 jailer with a training program at least once every 48 months that is
26 approved by the commission and consists of:

27 (1) topics selected by the agency; and

1 (2) for an officer holding only a basic proficiency
2 certificate or a county jailer, not more than 20 hours of education
3 and training that contain curricula incorporating the learning
4 objectives developed by the commission regarding:

5 (A) civil rights, racial sensitivity, and
6 cultural diversity;

7 (B) de-escalation and crisis intervention
8 techniques to facilitate interaction with persons with mental
9 impairments; and

10 (C) unless determined by the agency head to be
11 inconsistent with the officer's or jailer's assigned duties:

12 (i) the recognition and documentation of
13 cases that involve child abuse or neglect, family violence, and
14 sexual assault; and

15 (ii) issues concerning sex offender
16 characteristics.

17 SECTION 6. Section 1701.353, Occupations Code, is amended
18 to read as follows:

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

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

26 (2) provide adequate notice to agencies and license
27 holders [~~peace officers~~] of impending noncompliance with the

1 training requirements of this subchapter so that the agencies and
2 license holders [~~peace officers~~] may comply within the 24-month
3 period or 48-month period, as appropriate.

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

19 (1) mitigating circumstances exist; or

20 (2) the license holder [~~peace officer~~] failed to
21 complete the required training because the license holder's [~~peace~~
22 ~~officer's~~] employing agency did not provide an adequate opportunity
23 for the license holder [~~peace officer~~] to attend the required
24 training course.

25 SECTION 7. Subchapter H, Chapter 1701, Occupations Code, is
26 amended by adding Section 1701.358 to read as follows:

27 Sec. 1701.358. INITIAL TRAINING AND CONTINUING EDUCATION

1 FOR POLICE CHIEFS. A police chief shall complete the initial
2 training and continuing education required under Section 96.641,
3 Education Code.

4 SECTION 8. Section 1701.055(d), Occupations Code, is
5 repealed.

6 SECTION 9. The changes in law made by this Act to Section
7 1701.306, Occupations Code, apply to a license for which an
8 application is filed on or after the effective date of this Act. A
9 license application filed before the effective date of this Act is
10 governed by the law in effect on the date the application was filed,
11 and the former law is continued in effect for that purpose.

12 SECTION 10. This Act takes effect September 1, 2011.