

BILL ANALYSIS

Senate Research Center

S.B. 686
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) has experienced a lot of confusion as to the nature of its mission. Most of that confusion stems from its history and is exacerbated by its name, as it still reflects a mainly training and education mission.

In the 47 years since it was created, the role of TCLEOSE has evolved, through legislative direction, from a training and education role to a regulatory role. As a regulatory agency, its mission is to "establish and enforce standards to ensure that the people of Texas are served by highly trained and ethical law enforcement, corrections, and telecommunications personnel." To fulfill its mission, TCLEOSE is not only responsible for the licensing and certifications of Texas peace officers, county jailers, and telecommunications, but also investigates both administrative and criminal violations of law related to the agency's mission.

S.B. 686 changes the name of TCLEOSE to the Texas Commission on Law Enforcement effective January 1, 2014, in order to "rebrand" the commission so that its name more accurately reflects its mission statement and purpose as a regulatory agency, and requires the commission to adopt a schedule for phasing in that name change so as to minimize the fiscal impact of the name change.

S.B. 686 amends current law relating to the change of the name of the Commission on Law Enforcement Officer Standards and Education to the Texas Commission on Law Enforcement.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE 1. CHANGING THE NAME OF THE COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION TO THE TEXAS COMMISSION ON LAW ENFORCEMENT

SECTION 1.01. Amends Section 1701.001(1), Occupations Code, to redefine "commission."

SECTION 1.02. Amends Section 1701.002, Occupations Code, to change references to the Commission on Law Enforcement Officer Standards and Education (CLEOSE) to the Texas Commission on Law Enforcement (commission).

SECTION 1.03. Amends Subchapter A, Chapter 1701, Occupations Code, by adding Section 1701.004, as follows:

Sec. 1701.004. REFERENCE TO COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION. Provides that a reference in law to the Commission on Law Enforcement Officer Standards and Education (CLEOSE) or the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) means the Texas Commission on Law Enforcement.

SECTION 1.04. Amends the heading to Subchapter B, Chapter 1701, Occupations Code, to make a conforming change.

SECTION 1.05. Amends Section 1701.051(a), Occupations Code, to make a conforming change.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Amends Article 2.12, Code of Criminal Procedure, to change a reference to CLEOSE to the commission.

SECTION 2.02. Amends Article 2.121(e), Code of Criminal Procedure, to make conforming changes.

SECTION 2.03. Amends Article 2.125(e), Code of Criminal Procedure, to make conforming changes.

SECTION 2.04. Amends Article 2.126(e), Code of Criminal Procedure, to make a conforming change.

SECTION 2.05. Amends Articles 2.132(b) and (g), Code of Criminal Procedure, to make conforming changes.

SECTION 2.06. Amends Articles 2.134(b), (e), and (g), Code of Criminal Procedure, to make conforming changes.

SECTION 2.07. Amends Article 15.27(m), Code of Criminal Procedure, to make a conforming change.

SECTION 2.08. Amends Section 1(23), Article 18.20, Code of Criminal Procedure, to make a conforming change.

SECTION 2.09. Amends Article 42.011, Code of Criminal Procedure, as follows:

Art. 42.011. JUDGMENT AFFECTING AN OFFICER OR JAILER. Requires the clerk of the court to send the commission, by mail or electronically, the license number of the person and a certified copy of the court's judgment reflecting that the person has been convicted or placed on community supervision if a person licensed under Chapter 1701, Occupations Code, rather than Chapter 415 (Commission on Law Enforcement Officer Standards and Education [repealed]), Government Code, is charged with the commission of a felony and a court that knows the person is licensed under that chapter convicts the person or places the person on community supervision. Makes a conforming change.

SECTION 2.10. Amends Article 102.022(h), Code of Criminal Procedure, to make a conforming change.

SECTION 2.11. Amends Sections 37.081(f) and (h), Education Code, to change references to CLEOSE to the commission.

SECTION 2.12. Amends Section 51.203(e), Education Code, to make a conforming change.

SECTION 2.13. Amends Section 51.214(f), Education Code, to make conforming changes.

SECTION 2.14. Amends Section 54.352(g), Education Code, to make a conforming change.

SECTION 2.15. Amends Section 88.103, Education Code, to make a conforming change.

SECTION 2.16. Amends Sections 96.641(a), (b), and (d), Education Code, as follows:

(a) Makes conforming changes.

(b) Requires the commission by rule to establish a uniform 24-month continuing education training period. Makes a conforming change.

(d) Requires the commission by rule to establish that the first continuing education training period for an individual under Subsection (b) begins on the first day of the first uniform continuing education training period that follows the date the individual completed the initial training program. Makes a conforming change.

SECTION 2.17. Amends Section 32.075(f), Election Code, to change a reference to CLEOSE to the commission.

SECTION 2.18. Amends Section 25.1312(j), Government Code, to require the bailiff of a statutory county court, not later than one year after the date of appointment, to have received a peace officer license under Chapter 1701, Occupations Code, rather than Chapter 415, from the commission. Makes a conforming change.

SECTION 2.19. Amends Section 25.2012(j), Government Code, to change a reference to CLEOSE to the commission.

SECTION 2.20. Reenacts Section 53.004(e), Government Code, as amended by Chapters 385 (H.B. 1252) and 430 (H.B. 1108), Acts of the 73rd Legislature, Regular Session, 1993, and amends it to require that a person be at least 21 years old and hold a peace officer license under Chapter 1701, Occupations Code, rather than Chapter 415, from the commission in order to be eligible to be appointed bailiff in a district court in Midland County, for the 355th District Court, or under Section 53.001(g) (relating to specifying which district court judges and which county courts at law judges are required to appoint a bailiff). Makes a conforming change.

SECTION 2.21. Amends Section 53.091(c), Government Code, to make a conforming change.

SECTION 2.22. Amends Section 76.0051, Government Code, to make a conforming change.

SECTION 2.23. Amends Section 411.112, Government Code, to make a conforming change.

SECTION 2.24. Amends Section 411.1882(a), Government Code, to make a conforming change.

SECTION 2.25. Amends Section 411.190(a), Government Code, to make a conforming change.

SECTION 2.26. Amends Section 421.021(a), Government Code, to provide that the Homeland Security Council is composed of the governor or the governor's designee, the speaker of the house of representatives or the speaker's designee, the lieutenant governor or the lieutenant governor's designee, and one representative of certain entities, including the Senate Committee on Agriculture, Rural Affairs and Homeland Security, rather than the Senate Committee on Transportation and Homeland Security, and the commission, rather than TCLEOSE, appointed by certain authorities.

SECTION 2.27. Amends Section 493.019, Government Code, to make a conforming change.

SECTION 2.28. Amends Section 494.008(d), Government Code, to change a reference to CLEOSE to the commission.

SECTION 2.29. Amends Section 497.031, Government Code, to make a conforming change.

SECTION 2.30. Amends Sections 511.0092(f) and (i), Government Code, as follows:

(f) Requires a county, municipality, or private vendor operating under a contract described by Subsection (b) (relating to authorizing the commissioners court or the

governing body of a municipality to enter into a contract with another state or a jurisdiction in another state under certain conditions) to:

- (1) send a copy of the contract to the Commission on Jail Standards (TCJS);
- (2) require all employees at the facility to maintain certification as required by the commission;
- (3) submit to inspections by TCJS; and
- (4) immediately notify TCJS of any riot, rebellion, escape, or other emergency situation occurring at the facility.

Makes a conforming change.

(i) Provides that Chapter 1702 (Private Security), Occupations Code, does not apply to an employee of a facility in the actual discharge of duties as an employee of the facility if the employee is required by Subsection (f)(2), rather than by Subsection (f)(2) or by Section 1701.406 (County Jail Personnel [repealed]), Occupations Code, to maintain certification from the commission. Makes a conforming change.

SECTION 2.31. Amends Section 615.003, Government Code, to provide that this chapter (Financial Assistance to Survivors of Certain Law Enforcement Officers, Fire Fighters, and Others) applies only to the eligible survivors of certain individuals, including a jailer or guard of a county jail who is appointed by the sheriff and who performs certain functions and is certified by the commission, rather than CLEOSE, and a juvenile correctional employee of the Texas Juvenile Justice Department (TJJD), rather than the Texas Youth Commission (TYC).

SECTION 2.32. Amends Sections 615.105(b) and (c), Government Code, to make conforming changes.

SECTION 2.33. Amends Section 659.1031(b), Government Code, to redefine "eligible state employee organization" in this section.

SECTION 2.34. Amends Section 811.001(9), Government Code, to redefine "law enforcement officer."

SECTION 2.35. Amends Section 2001.028, Government Code, to make a conforming change.

SECTION 2.36. Amends Section 2054.352(a), Government Code, to make a conforming change.

SECTION 2.37. Amends Section 3105.002(2), Government Code, to redefine "commission."

SECTION 2.38. Amends Section 431.2471(b), Health and Safety Code, to make a conforming change.

SECTION 2.39. Amends Section 614.002(e), Health and Safety Code, to require the executive head or that person's designated representative of certain agencies, divisions of agencies, or associations, including TJJD, rather than TYC, and the commission, rather than CLEOSE, and excluding the Texas Juvenile Probation Commission, to serve as a member of the committee.

SECTION 2.40. Amends Section 614.016, Health and Safety Code, as follows:

Sec. 614.016. CONTINUITY OF CARE FOR CERTAIN OFFENDERS BY LAW ENFORCEMENT AND JAILS. (a) Requires the Texas Correctional Office on Offenders with Medical or Mental Impairments, the commission, the bureau of identification and records of the Department of Public Safety of the State of Texas, and TCJS by rule to adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for offenders in the criminal justice

system who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill. Makes a conforming change.

(b) Makes a conforming change.

SECTION 2.41. Amends Section 142.006(a), Human Resources Code, to change a reference to CLEOSE to the commission.

SECTION 2.42. Amends Section 221.011(b), Human Resources Code, to make a conforming change.

SECTION 2.43. Amends Section 242.102(e), Human Resources Code, to make a conforming change.

SECTION 2.44. Amends Section 243.052(b), Human Resources Code, to make a conforming change.

SECTION 2.45. Amends Sections 302.017(d), (e), and (f), Labor Code, to change a reference to CLEOSE to the commission.

SECTION 2.46. Amends Section 85.0025(a), Local Government Code, to change a reference to CLEOSE to the commission and make nonsubstantive changes.

SECTION 2.47. Amends Section 141.009(b), Local Government Code, to make a conforming change.

SECTION 2.48. Amends Section 143.013(b), Local Government Code, to require that a person appointed as head of a fire department be eligible for certification by the Texas Commission on Fire Protection (TCFP), rather than the Commission on Fire Protection Personnel Standards and Education, at the intermediate level or its equivalent as determined by TCFP and to have served as a fully paid fire fighter for at least five years. Makes a conforming change.

SECTION 2.49. Amends Section 143.023(e), Local Government Code, to make a conforming change.

SECTION 2.50. Amends Section 143.027(a), Local Government Code, to authorize the Fire Fighters' and Police Officers' Civil Service Commission by rule, in a municipality with a population of less than 1.9 million, to extend the probationary period by not more than six months for a person who, among meeting other conditions, is required to attend a basic training academy for initial certification by TCFP or the commission.

SECTION 2.51. Amends Section 143.044(b), Local Government Code, to make conforming changes.

SECTION 2.52. Amends Section 143.105, Local Government Code, to make a conforming change.

SECTION 2.53. Amends Section 143.112(a), Local Government Code, to redefine "accredited college or university" and "core curriculum in law enforcement" in this section.

SECTION 2.54. Amends Section 254.023(b), Local Government Code, to make a conforming change.

SECTION 2.55. Amends Section 306.040(a), Local Government Code, to make conforming and nonsubstantive changes.

SECTION 2.56. Amends Section 254.013(a), Occupations Code, to change a reference to CLEOSE to the commission.

SECTION 2.57. Amends Section 554.010(a), Occupations Code, to make a conforming change.

SECTION 2.58. Amends Section 651.409, Occupations Code, to make a conforming change.

SECTION 2.59. Amends Section 11.0201(b), Parks and Wildlife Code, to require that an applicant for a special game warden commission meet the minimum standards for licensing of a peace officer under the rules adopted by the commission. Makes a conforming change.

SECTION 2.60. Amends Section 46.05(f), Penal Code, to change a reference to CLEOSE to the commission.

SECTION 2.61. Amends Section 54.053(b), Transportation Code, to make a conforming change.

ARTICLE 3. TRANSITION AND EFFECTIVE DATE

SECTION 3.01. (a) Provides that the following is effective January 1, 2014:

(1) the name of CLEOSE is changed to the commission, and all powers, duties, rights, and obligations of CLEOSE are the powers, duties, rights, and obligations of the commission;

(2) a member of CLEOSE is a member of the commission; and

(3) any appropriation to CLEOSE is an appropriation to the commission.

(b) Provides that a reference in law to CLEOSE is a reference to the commission, effective January 1, 2014.

(c) Provides that the commission is the successor to CLEOSE in all respects. Provides that all personnel, equipment, data, documents, facilities, contracts, items, other property, rules, decisions, and proceedings of or involving the CLEOSE are unaffected by the change in the name of the agency.

(d) Requires CLEOSE to adopt a schedule for phasing in the change of the agency's name so as to minimize the fiscal impact of the name change. Authorizes the commission, until January 1, 2014, to allow for phasing in the change of the agency's name and in accordance with the schedule established as required by this section, to perform any act authorized by law for CLEOSE or as the commission. Provides that any act of the commission acting as CLEOSE on or after the effective date of this Act and before January 1, 2014, is an act of CLEOSE.

SECTION 3.02. Effective date: upon passage or September 1, 2013.