

By: Villalba

H.B. No. 1166

A BILL TO BE ENTITLED

AN ACT

relating to the change of the name of the Commission on Law Enforcement Officer Standards and Education to the Texas Commission on Law Enforcement.

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

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. Section 1701.001(1), Occupations Code, is amended to read as follows:

(1) "Commission" means the Texas Commission on Law Enforcement [~~Officer Standards and Education~~].

SECTION 1.02. Section 1701.002, Occupations Code, is amended to read as follows:

Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas Commission on Law Enforcement [~~Officer Standards and Education~~] is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2021.

SECTION 1.03. Subchapter A, Chapter 1701, Occupations Code, is amended by adding Section 1701.004 to read as follows:

Sec. 1701.004. REFERENCE TO COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION. A reference in law to the Commission on Law Enforcement Officer Standards and Education or

1 the Texas Commission on Law Enforcement Officer Standards and  
2 Education means the Texas Commission on Law Enforcement.

3 SECTION 1.04. The heading to Subchapter B, Chapter 1701,  
4 Occupations Code, is amended to read as follows:

5 SUBCHAPTER B. TEXAS COMMISSION ON LAW ENFORCEMENT [~~OFFICER~~  
6 ~~STANDARDS AND EDUCATION~~]

7 SECTION 1.05. Section 1701.051(a), Occupations Code, is  
8 amended to read as follows:

9 (a) The Texas Commission on Law Enforcement [~~Officer~~  
10 ~~Standards and Education~~] is an agency of this state and consists of  
11 nine members appointed by the governor with the advice and consent  
12 of the senate as follows:

13 (1) three members who are sheriffs, constables, or  
14 chiefs of police;

15 (2) three members who:

16 (A) are licensed under this chapter, two of whom  
17 are peace officers who, at the time of appointment, hold  
18 nonsupervisory positions with a law enforcement agency; and

19 (B) have been licensed under this chapter for the  
20 five years preceding the date of appointment; and

21 (3) three members who represent the public.

22 ARTICLE 2. CONFORMING AMENDMENTS

23 SECTION 2.01. Article 2.12, Code of Criminal Procedure, is  
24 amended to read as follows:

25 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
26 officers:

27 (1) sheriffs, their deputies, and those reserve

1 deputies who hold a permanent peace officer license issued under  
2 Chapter 1701, Occupations Code;

3 (2) constables, deputy constables, and those reserve  
4 deputy constables who hold a permanent peace officer license issued  
5 under Chapter 1701, Occupations Code;

6 (3) marshals or police officers of an incorporated  
7 city, town, or village, and those reserve municipal police officers  
8 who hold a permanent peace officer license issued under Chapter  
9 1701, Occupations Code;

10 (4) rangers and officers commissioned by the Public  
11 Safety Commission and the Director of the Department of Public  
12 Safety;

13 (5) investigators of the district attorneys', criminal  
14 district attorneys', and county attorneys' offices;

15 (6) law enforcement agents of the Texas Alcoholic  
16 Beverage Commission;

17 (7) each member of an arson investigating unit  
18 commissioned by a city, a county, or the state;

19 (8) officers commissioned under Section 37.081,  
20 Education Code, or Subchapter E, Chapter 51, Education Code;

21 (9) officers commissioned by the General Services  
22 Commission;

23 (10) law enforcement officers commissioned by the  
24 Parks and Wildlife Commission;

25 (11) airport police officers commissioned by a city  
26 with a population of more than 1.18 million located primarily in a  
27 county with a population of 2 million or more that operates an

1 airport that serves commercial air carriers;

2 (12) airport security personnel commissioned as peace  
3 officers by the governing body of any political subdivision of this  
4 state, other than a city described by Subdivision (11), that  
5 operates an airport that serves commercial air carriers;

6 (13) municipal park and recreational patrolmen and  
7 security officers;

8 (14) security officers and investigators commissioned  
9 as peace officers by the comptroller;

10 (15) officers commissioned by a water control and  
11 improvement district under Section 49.216, Water Code;

12 (16) officers commissioned by a board of trustees  
13 under Chapter 54, Transportation Code;

14 (17) investigators commissioned by the Texas Medical  
15 Board;

16 (18) officers commissioned by:

17 (A) the board of managers of the Dallas County  
18 Hospital District, the Tarrant County Hospital District, the Bexar  
19 County Hospital District, or the El Paso County Hospital District  
20 under Section 281.057, Health and Safety Code; and

21 (B) the board of directors of the Ector County  
22 Hospital District under Section 1024.117, Special District Local  
23 Laws Code;

24 (19) county park rangers commissioned under  
25 Subchapter E, Chapter 351, Local Government Code;

26 (20) investigators employed by the Texas Racing  
27 Commission;

1           (21) officers commissioned under Chapter 554,  
2 Occupations Code;

3           (22) officers commissioned by the governing body of a  
4 metropolitan rapid transit authority under Section 451.108,  
5 Transportation Code, or by a regional transportation authority  
6 under Section 452.110, Transportation Code;

7           (23) investigators commissioned by the attorney  
8 general under Section 402.009, Government Code;

9           (24) security officers and investigators commissioned  
10 as peace officers under Chapter 466, Government Code;

11           (25) an officer employed by the Department of State  
12 Health Services under Section 431.2471, Health and Safety Code;

13           (26) officers appointed by an appellate court under  
14 Subchapter F, Chapter 53, Government Code;

15           (27) officers commissioned by the state fire marshal  
16 under Chapter 417, Government Code;

17           (28) an investigator commissioned by the commissioner  
18 of insurance under Section 701.104, Insurance Code;

19           (29) apprehension specialists and inspectors general  
20 commissioned by the Texas Juvenile Justice Department as officers  
21 under Sections 242.102 and 243.052, Human Resources Code;

22           (30) officers appointed by the inspector general of  
23 the Texas Department of Criminal Justice under Section 493.019,  
24 Government Code;

25           (31) investigators commissioned by the Texas  
26 Commission on Law Enforcement [~~Officer Standards and Education~~]  
27 under Section 1701.160, Occupations Code;

1           (32) commission investigators commissioned by the  
2 Texas Private Security Board under Section 1702.061(f),  
3 Occupations Code;

4           (33) the fire marshal and any officers, inspectors, or  
5 investigators commissioned by an emergency services district under  
6 Chapter 775, Health and Safety Code;

7           (34) officers commissioned by the State Board of  
8 Dental Examiners under Section 254.013, Occupations Code, subject  
9 to the limitations imposed by that section;

10           (35) investigators commissioned by the Texas Juvenile  
11 Justice Department as officers under Section 221.011, Human  
12 Resources Code; and

13           (36) the fire marshal and any related officers,  
14 inspectors, or investigators commissioned by a county under  
15 Subchapter B, Chapter 352, Local Government Code.

16           SECTION 2.02. Article 2.121(e), Code of Criminal Procedure,  
17 is amended to read as follows:

18           (e) A person may not serve as a railroad peace officer for a  
19 railroad company unless:

20           (1) the Texas Railroad Association submits the  
21 person's application for appointment and certification as a  
22 railroad peace officer to the director of the Department of Public  
23 Safety and to the executive director of the Texas Commission on Law  
24 Enforcement [~~Officer Standards and Education~~];

25           (2) the director of the department issues the person a  
26 certificate of authority to act as a railroad peace officer; and

27           (3) the executive director of the commission

1 determines that the person meets minimum standards required of  
2 peace officers by the commission relating to competence,  
3 reliability, education, training, morality, and physical and  
4 mental health and issues the person a license as a railroad peace  
5 officer; and

6 (4) the person has met all standards for certification  
7 as a peace officer by the Texas Commission on Law Enforcement  
8 [~~Officer Standards and Education~~].

9 SECTION 2.03. Article 2.125(e), Code of Criminal Procedure,  
10 is amended to read as follows:

11 (e) A person may not serve as a special ranger unless:

12 (1) the Texas and Southwestern Cattle Raisers  
13 Association submits the person's application for appointment and  
14 certification as a special ranger to the director of the Department  
15 of Public Safety and to the executive director of the Texas  
16 Commission on Law Enforcement [~~Officer Standards and Education~~];

17 (2) the director of the department issues the person a  
18 certificate of authority to act as a special ranger;

19 (3) the executive director of the commission  
20 determines that the person meets minimum standards required of  
21 peace officers by the commission relating to competence,  
22 reliability, education, training, morality, and physical and  
23 mental health and issues the person a license as a special ranger;  
24 and

25 (4) the person has met all standards for certification  
26 as a peace officer by the Texas Commission on Law Enforcement  
27 [~~Officer Standards and Education~~].

1 SECTION 2.04. Article 2.126(e), Code of Criminal Procedure,  
2 is amended to read as follows:

3 (e) Any person commissioned under this article must:

4 (1) meet the minimum standards required of peace  
5 officers by the commission relating to competence, reliability,  
6 education, training, morality, and physical and mental health; and

7 (2) meet all standards for certification as a peace  
8 officer by the Texas Commission on Law Enforcement [~~Officer~~  
9 ~~Standards and Education~~].

10 SECTION 2.05. Articles 2.132(b) and (g), Code of Criminal  
11 Procedure, are amended to read as follows:

12 (b) Each law enforcement agency in this state shall adopt a  
13 detailed written policy on racial profiling. The policy must:

14 (1) clearly define acts constituting racial  
15 profiling;

16 (2) strictly prohibit peace officers employed by the  
17 agency from engaging in racial profiling;

18 (3) implement a process by which an individual may  
19 file a complaint with the agency if the individual believes that a  
20 peace officer employed by the agency has engaged in racial  
21 profiling with respect to the individual;

22 (4) provide public education relating to the agency's  
23 complaint process;

24 (5) require appropriate corrective action to be taken  
25 against a peace officer employed by the agency who, after an  
26 investigation, is shown to have engaged in racial profiling in  
27 violation of the agency's policy adopted under this article;



1           (6) require collection of information relating to  
2 motor vehicle stops in which a citation is issued and to arrests  
3 made as a result of those stops, including information relating to:

4                   (A) the race or ethnicity of the individual  
5 detained;

6                   (B) whether a search was conducted and, if so,  
7 whether the individual detained consented to the search; and

8                   (C) whether the peace officer knew the race or  
9 ethnicity of the individual detained before detaining that  
10 individual; and

11           (7) require the chief administrator of the agency,  
12 regardless of whether the administrator is elected, employed, or  
13 appointed, to submit an annual report of the information collected  
14 under Subdivision (6) to:

15                   (A) the Texas Commission on Law Enforcement  
16 [~~Officer Standards and Education~~]; and

17                   (B) the governing body of each county or  
18 municipality served by the agency, if the agency is an agency of a  
19 county, municipality, or other political subdivision of the state.

20           (g) On a finding by the Texas Commission on Law Enforcement  
21 [~~Officer Standards and Education~~] that the chief administrator of a  
22 law enforcement agency intentionally failed to submit a report  
23 required under Subsection (b)(7), the commission shall begin  
24 disciplinary procedures against the chief administrator.

25           SECTION 2.06. Articles 2.134(b), (e), and (g), Code of  
26 Criminal Procedure, are amended to read as follows:

27           (b) A law enforcement agency shall compile and analyze the

1 information contained in each report received by the agency under  
2 Article 2.133. Not later than March 1 of each year, each law  
3 enforcement agency shall submit a report containing the  
4 incident-based data compiled during the previous calendar year to  
5 the Texas Commission on Law Enforcement [~~Officer Standards and~~  
6 ~~Education~~] and, if the law enforcement agency is a local law  
7 enforcement agency, to the governing body of each county or  
8 municipality served by the agency.

9 (e) The Texas Commission on Law Enforcement [~~Officer~~  
10 ~~Standards and Education~~], in accordance with Section 1701.162,  
11 Occupations Code, shall develop guidelines for compiling and  
12 reporting information as required by this article.

13 (g) On a finding by the Texas Commission on Law Enforcement  
14 [~~Officer Standards and Education~~] that the chief administrator of a  
15 law enforcement agency intentionally failed to submit a report  
16 required under Subsection (b), the commission shall begin  
17 disciplinary procedures against the chief administrator.

18 SECTION 2.07. Article 15.27(m), Code of Criminal Procedure,  
19 is amended to read as follows:

20 (m) If the superintendent of a school district in which the  
21 student is enrolled learns of a failure of the head of a law  
22 enforcement agency or a person designated by the head of the agency  
23 to provide a notification under Subsection (a), the superintendent  
24 or principal shall report the failure to notify to the Texas  
25 Commission on Law Enforcement [~~Officer Standards and Education~~].

26 SECTION 2.08. Section 1(23), Article 18.20, Code of  
27 Criminal Procedure, is amended to read as follows:

1           (23) "Member of a law enforcement unit specially  
2 trained to respond to and deal with life-threatening situations"  
3 means a peace officer who, as evidenced by the submission of  
4 appropriate documentation to the Texas Commission on Law  
5 Enforcement [~~Officer Standards and Education~~]:

6           (A) receives a minimum of 40 hours a year of  
7 training in hostage and barricade suspect situations; or

8           (B) has received a minimum of 24 hours of  
9 training on kidnapping investigations and is:

10           (i) the sheriff of a county with a  
11 population of 3.3 million or more or the sheriff's designee; or

12           (ii) the police chief of a police  
13 department in a municipality with a population of 500,000 or more or  
14 the police chief's designee.

15           SECTION 2.09. Article 42.011, Code of Criminal Procedure,  
16 is amended to read as follows:

17           Art. 42.011. JUDGMENT AFFECTING AN OFFICER OR JAILER. If a  
18 person licensed under Chapter 1701, Occupations [~~415, Government~~]  
19 Code, is charged with the commission of a felony and a court that  
20 knows the person is licensed under that chapter convicts the person  
21 or places the person on community supervision, the clerk of the  
22 court shall send the Texas Commission on Law Enforcement [~~Officer~~  
23 ~~Standards and Education~~], by mail or electronically, the license  
24 number of the person and a certified copy of the court's judgment  
25 reflecting that the person has been convicted or placed on  
26 community supervision.

27           SECTION 2.10. Article 102.022(h), Code of Criminal

1 Procedure, is amended to read as follows:

2 (h) The comptroller shall deposit the funds received under  
3 this article to the credit of the Civil Justice Data Repository fund  
4 in the general revenue fund, to be used only by the Texas Commission  
5 on Law Enforcement [~~Officer Standards and Education~~] to implement  
6 duties under Section 1701.162, Occupations Code.

7 SECTION 2.11. Sections 37.081(f) and (h), Education Code,  
8 are amended to read as follows:

9 (f) The chief of police of the school district police  
10 department shall be accountable to the superintendent and shall  
11 report to the superintendent or the superintendent's designee.  
12 School district police officers shall be supervised by the chief of  
13 police of the school district or the chief of police's designee and  
14 shall be licensed by the Texas Commission on Law Enforcement  
15 [~~Officer Standards and Education~~].

16 (h) A peace officer assigned to duty and commissioned under  
17 this section shall take and file the oath required of peace officers  
18 and shall execute and file a bond in the sum of \$1,000, payable to  
19 the board of trustees, with two or more sureties, conditioned that  
20 the peace officer will fairly, impartially, and faithfully perform  
21 all the duties that may be required of the peace officer by law. The  
22 bond may be sued on in the name of any person injured until the whole  
23 amount of the bond is recovered. Any peace officer commissioned  
24 under this section must meet all minimum standards for peace  
25 officers established by the Texas Commission on Law Enforcement  
26 [~~Officer Standards and Education~~].

27 SECTION 2.12. Section 51.203(e), Education Code, is amended

1 to read as follows:

2 (e) Any person commissioned under this Act must be a  
3 certified police officer under the requirements of the Texas  
4 Commission on Law Enforcement [~~Officers and Standards~~].

5 SECTION 2.13. Section 51.214(f), Education Code, is amended  
6 to read as follows:

7 (f) A person may not be commissioned under this section  
8 unless the person obtains a peace officer license issued by the  
9 Texas Commission on Law Enforcement [~~Officer Standards and~~  
10 ~~Education~~]. The employing medical corporation or parent  
11 corporation shall pay to the Texas Commission on Law Enforcement  
12 [~~Officer Standards and Education~~] on behalf of an employee any fees  
13 that are necessary to obtain a required license.

14 SECTION 2.14. Section 54.352(g), Education Code, is amended  
15 to read as follows:

16 (g) In this section, "injury suffered during the  
17 performance of a duty as a peace officer" means an injury occurring  
18 as a result of the peace officer's performance of any of the  
19 following law enforcement duties:

20 (1) traffic enforcement or traffic control duties,  
21 including enforcement of traffic laws, investigation of vehicle  
22 accidents, or directing traffic;

23 (2) pursuit, arrest, or search of a person reasonably  
24 believed to have violated a law;

25 (3) investigation, including undercover  
26 investigation, of a criminal act;

27 (4) patrol duties, including automobile, bicycle,

1 foot, air, or horse patrol;

2 (5) duties related to the transfer of prisoners; or

3 (6) training duties, including participation in any  
4 training required by the officer's employer or supervisor or by the  
5 Texas Commission on Law Enforcement [~~Officer Standards and~~  
6 ~~Education~~].

7 SECTION 2.15. Section 88.103, Education Code, is amended to  
8 read as follows:

9 Sec. 88.103. ENFORCEMENT; APPOINTMENT OF PEACE  
10 OFFICERS. The director may appoint not to exceed 25 employees of  
11 the Texas Forest Service who are certified by the Texas Commission  
12 on Law Enforcement [~~Officer Standards and Education~~] as qualified  
13 to be peace officers to serve as peace officers under the direction  
14 of the director in executing the enforcement duties of that  
15 agency. The appointments must be approved by the board which shall  
16 commission the appointees as peace officers. Any officer  
17 commissioned under this section is vested with all the powers,  
18 privileges, and immunities of peace officers in the performance of  
19 the officer's duties. The officer shall take the oath required of  
20 peace officers.

21 SECTION 2.16. Sections 96.641(a), (b), and (d), Education  
22 Code, are amended to read as follows:

23 (a) The Bill Blackwood Law Enforcement Management Institute  
24 of Texas shall establish and offer a program of initial training and  
25 a program of continuing education for police chiefs. The  
26 curriculum for each program must relate to law enforcement  
27 management issues. The institute shall develop the curriculum for

1 the programs. The curriculum must be approved by the Texas  
2 Commission on Law Enforcement [~~Officer Standards and Education~~].

3 (b) Each police chief must receive at least 40 hours of  
4 continuing education provided by the institute under this section  
5 each 24-month period. The Texas Commission on Law Enforcement  
6 [~~Officer Standards and Education~~] by rule shall establish a uniform  
7 24-month continuing education training period.

8 (d) A newly appointed or elected police chief shall complete  
9 the initial training program for new chiefs not later than the  
10 second anniversary of that individual's appointment or election as  
11 chief. The initial training program for new chiefs is in addition  
12 to the initial training and continuing education required by  
13 Chapter 1701, Occupations Code. The Texas Commission on Law  
14 Enforcement [~~Officer Standards and Education~~] by rule shall  
15 establish that the first continuing education training period for  
16 an individual under Subsection (b) begins on the first day of the  
17 first uniform continuing education training period that follows the  
18 date the individual completed the initial training program.

19 SECTION 2.17. Section 32.075(f), Election Code, is amended  
20 to read as follows:

21 (f) A person is eligible for appointment as a special peace  
22 officer under Subsection (b) only if the person is licensed as a  
23 peace officer by the Texas Commission on Law Enforcement [~~Officer~~  
24 ~~Standards and Education~~].

25 SECTION 2.18. Section 25.1312(j), Government Code, is  
26 amended to read as follows:

27 (j) Not later than one year after the date of appointment,

1 the bailiff of a statutory county court must have received a peace  
2 officer license under Chapter 1701, Occupations Code, [415] from  
3 the Texas Commission on Law Enforcement [~~Officer Standards and~~  
4 ~~Education~~]. The sheriff of Kaufman County shall deputize the  
5 bailiff of a statutory county court. The bailiff of a statutory  
6 county court is subject to the training and continuing education  
7 requirements of a sheriff's deputy of the county. The sheriff shall  
8 remove from office a bailiff who does not receive a peace officer  
9 license within one year of appointment as required by this  
10 subsection.

11 SECTION 2.19. Section 25.2012(j), Government Code, is  
12 amended to read as follows:

13 (j) Not later than one year after the date of appointment,  
14 the bailiff of a county court at law must obtain a peace officer  
15 license under Chapter 1701, Occupations Code, from the Texas  
16 Commission on Law Enforcement [~~Officer Standards and Education~~].  
17 The sheriff of Rockwall County shall deputize the bailiff of a  
18 county court at law. The bailiff of a county court at law is subject  
19 to the training and continuing education requirements of a  
20 sheriff's deputy of the county. The sheriff shall remove from  
21 office a bailiff who does not receive a peace officer license within  
22 one year of appointment as required by this subsection.

23 SECTION 2.20. Section 53.004(e), Government Code, as  
24 amended by Chapters 385 (H.B. 1252) and 430 (H.B. 1108), Acts of the  
25 73rd Legislature, Regular Session, 1993, is reenacted and amended  
26 to read as follows:

27 (e) To be eligible to be appointed bailiff in a district



1 court in Midland County, for the 355th District Court, or under  
2 Section 53.001(g), a person must be at least 21 years old and hold a  
3 peace officer license under Chapter 1701, Occupations Code, [415]  
4 from the Texas Commission on Law Enforcement [~~Officer Standards and~~  
5 ~~Education~~]. This subsection does not apply to a person serving as  
6 bailiff of a court described by Section 53.001(g) on September 1,  
7 1991.

8 SECTION 2.21. Section 53.091(c), Government Code, is  
9 amended to read as follows:

10 (c) A person may not be commissioned as a peace officer  
11 under this section unless the person meets all standards for  
12 licensing as a peace officer by the Texas Commission on Law  
13 Enforcement [~~Officer Standards and Education~~].

14 SECTION 2.22. Section 76.0051, Government Code, is amended  
15 to read as follows:

16 Sec. 76.0051. AUTHORIZATION TO CARRY WEAPON. An officer is  
17 authorized to carry a weapon while engaged in the actual discharge  
18 of the officer's duties only if:

19 (1) the officer possesses a certificate of firearms  
20 proficiency issued by the Texas Commission on Law Enforcement  
21 [~~Officer Standards and Education~~] under Section 1701.257,  
22 Occupations Code; and

23 (2) the director of the department agrees to the  
24 authorization.

25 SECTION 2.23. Section 411.112, Government Code, is amended  
26 to read as follows:

27 Sec. 411.112. ACCESS TO CRIMINAL HISTORY RECORD

1 INFORMATION: TEXAS COMMISSION ON LAW ENFORCEMENT [~~OFFICER~~  
2 ~~STANDARDS AND EDUCATION~~]. The Texas Commission on Law Enforcement  
3 [~~Officer Standards and Education~~] is entitled to obtain from the  
4 department criminal history record information maintained by the  
5 department that relates to a person who is:

- 6 (1) an applicant for a license under Chapter 1701,  
7 Occupations Code; or  
8 (2) the holder of a license under that chapter.

9 SECTION 2.24. Section 411.1882(a), Government Code, is  
10 amended to read as follows:

11 (a) A person who is serving in this state as a judge or  
12 justice of a federal court, as an active judicial officer, as  
13 defined by Section 411.201, or as a district attorney, assistant  
14 district attorney, criminal district attorney, assistant criminal  
15 district attorney, county attorney, or assistant county attorney  
16 may establish handgun proficiency for the purposes of this  
17 subchapter by obtaining from a handgun proficiency instructor  
18 approved by the Texas Commission on Law Enforcement [~~Officer~~  
19 ~~Standards and Education~~] for purposes of Section 1702.1675,  
20 Occupations Code, a sworn statement that:

- 21 (1) indicates that the person, during the 12-month  
22 period preceding the date of the person's application to the  
23 department, demonstrated to the instructor proficiency in the use  
24 of handguns; and  
25 (2) designates the categories of handguns with respect  
26 to which the person demonstrated proficiency.

27 SECTION 2.25. Section 411.190(a), Government Code, is

1 amended to read as follows:

2 (a) The director may certify as a qualified handgun  
3 instructor a person who:

4 (1) is certified by the Texas Commission on Law  
5 Enforcement [~~Officer Standards and Education~~] or under Chapter  
6 1702, Occupations Code, to instruct others in the use of handguns;

7 (2) regularly instructs others in the use of handguns  
8 and has graduated from a handgun instructor school that uses a  
9 nationally accepted course designed to train persons as handgun  
10 instructors; or

11 (3) is certified by the National Rifle Association of  
12 America as a handgun instructor.

13 SECTION 2.26. Section 421.021(a), Government Code, is  
14 amended to read as follows:

15 (a) The Homeland Security Council is composed of the  
16 governor or the governor's designee, the speaker of the house of  
17 representatives or the speaker's designee, the lieutenant governor  
18 or the lieutenant governor's designee, and one representative of  
19 each of the following entities, appointed by the single statewide  
20 elected or appointed governing officer, administrative head, or  
21 chair, as appropriate, of the entity:

- 22 (1) Department of Agriculture;
- 23 (2) office of the attorney general;
- 24 (3) General Land Office;
- 25 (4) Public Utility Commission of Texas;
- 26 (5) Department of State Health Services;
- 27 (6) Department of Information Resources;

- 1 (7) Department of Public Safety of the State of Texas;
- 2 (8) Texas Division of Emergency Management;
- 3 (9) adjutant general's department;
- 4 (10) Texas Commission on Environmental Quality;
- 5 (11) Railroad Commission of Texas;
- 6 (12) Texas Strategic Military Planning Commission;
- 7 (13) Texas Department of Transportation;
- 8 (14) Commission on State Emergency Communications;
- 9 (15) Office of State-Federal Relations;
- 10 (16) secretary of state;
- 11 (17) Senate Committee on Agriculture, Rural Affairs
- 12 [~~Transportation~~] and Homeland Security;
- 13 (18) House Committee on Defense and Veterans' Affairs;
- 14 (19) Texas Animal Health Commission;
- 15 (20) Texas Association of Regional Councils;
- 16 (21) Texas Commission on Law Enforcement [~~Officer~~
- 17 ~~Standards and Education~~];
- 18 (22) state fire marshal's office;
- 19 (23) Texas Education Agency;
- 20 (24) Texas Commission on Fire Protection;
- 21 (25) Parks and Wildlife Department;
- 22 (26) Texas Forest Service; and
- 23 (27) Texas Water Development Board.

24 SECTION 2.27. Section 493.019, Government Code, is amended  
25 to read as follows:

26 Sec. 493.019. ENFORCEMENT OFFICERS. The inspector general  
27 may appoint employees who are certified by the Texas Commission on

1 Law Enforcement [~~Officer Standards and Education~~] as qualified to  
2 be peace officers to serve under the direction of the inspector  
3 general and assist the inspector general in performing the  
4 enforcement duties of the department.

5 SECTION 2.28. Section 494.008(d), Government Code, is  
6 amended to read as follows:

7 (d) An employee described by Subsection (a) may not be  
8 considered a peace officer for any purposes other than those  
9 specified under this section and is not required to be certified by  
10 the Texas Commission on Law Enforcement [~~Officer Standards and~~  
11 ~~Education~~].

12 SECTION 2.29. Section 497.031, Government Code, is amended  
13 to read as follows:

14 Sec. 497.031. SALE OF STATE FLAGS TO STATE AGENCY. The  
15 department shall sell state flags to the Texas Commission on Law  
16 Enforcement [~~Officer Standards and Education~~] at a price that does  
17 not exceed the department's cost in producing or obtaining the  
18 state flags.

19 SECTION 2.30. Sections 511.0092(f) and (i), Government  
20 Code, are amended to read as follows:

21 (f) A county, municipality, or private vendor operating  
22 under a contract described by Subsection (b) shall:

23 (1) send a copy of the contract to the commission;

24 (2) require all employees at the facility to maintain  
25 certification as required by the Texas Commission on Law  
26 Enforcement [~~Officer Standards and Education~~];

27 (3) submit to inspections by the commission; and

1           (4) immediately notify the commission of any riot,  
2 rebellion, escape, or other emergency situation occurring at the  
3 facility.

4           (i) Chapter 1702, Occupations Code, does not apply to an  
5 employee of a facility in the actual discharge of duties as an  
6 employee of the facility if the employee is required by Subsection  
7 (f)(2) [~~or by Section 1701.406, Occupations Code,~~] to maintain  
8 certification from the Texas Commission on Law Enforcement [~~Officer~~  
9 ~~Standards and Education~~].

10           SECTION 2.31. Section 615.003, Government Code, is amended  
11 to read as follows:

12           Sec. 615.003. APPLICABILITY. This chapter applies only to  
13 eligible survivors of the following individuals:

14           (1) an individual elected, appointed, or employed as a  
15 peace officer by the state or a political subdivision of the state  
16 under Article 2.12, Code of Criminal Procedure, or other law;

17           (2) a paid probation officer appointed by the director  
18 of a community supervision and corrections department who has the  
19 duties set out in Section 76.002 and the qualifications set out in  
20 Section 76.005, or who was appointed in accordance with prior law;

21           (3) a parole officer employed by the Texas Department  
22 of Criminal Justice who has the duties set out in Section 508.001  
23 and the qualifications set out in Section 508.113 or in prior law;

24           (4) a paid jailer;

25           (5) a member of an organized police reserve or  
26 auxiliary unit who regularly assists peace officers in enforcing  
27 criminal laws;

1           (6) a member of the class of employees of the  
2 correctional institutions division formally designated as  
3 custodial personnel under Section 615.006 by the Texas Board of  
4 Criminal Justice or its predecessor in function;

5           (7) a jailer or guard of a county jail who is appointed  
6 by the sheriff and who:

7                   (A) performs a security, custodial, or  
8 supervisory function over the admittance, confinement, or  
9 discharge of prisoners; and

10                   (B) is certified by the Texas Commission on Law  
11 Enforcement [~~Officer Standards and Education~~];

12           (8) a juvenile correctional employee of the Texas  
13 Juvenile Justice Department [~~Youth Commission~~];

14           (9) an employee of the Department of Aging and  
15 Disability Services or Department of State Health Services who:

16                   (A) works at the department's maximum security  
17 unit; or

18                   (B) performs on-site services for the Texas  
19 Department of Criminal Justice;

20           (10) an individual who is employed by the state or a  
21 political or legal subdivision and is subject to certification by  
22 the Texas Commission on Fire Protection;

23           (11) an individual employed by the state or a  
24 political or legal subdivision whose principal duties are aircraft  
25 crash and rescue fire fighting;

26           (12) a member of an organized volunteer fire-fighting  
27 unit that:

1 (A) renders fire-fighting services without  
2 remuneration; and

3 (B) conducts a minimum of two drills each month,  
4 each two hours long;

5 (13) an individual who:

6 (A) performs emergency medical services or  
7 operates an ambulance;

8 (B) is employed by a political subdivision of the  
9 state or is an emergency medical services volunteer as defined by  
10 Section 773.003, Health and Safety Code; and

11 (C) is qualified as an emergency care attendant  
12 or at a higher level of training under Section 773.046, 773.047,  
13 773.048, 773.049, or 773.0495, Health and Safety Code;

14 (14) an individual who is employed or formally  
15 designated as a chaplain for:

16 (A) an organized volunteer fire-fighting unit or  
17 other fire department of this state or of a political subdivision of  
18 this state;

19 (B) a law enforcement agency of this state or of a  
20 political subdivision of this state; or

21 (C) the Texas Department of Criminal Justice; or

22 (15) an individual who is employed by the state or a  
23 political subdivision of the state and who is considered by the  
24 governmental employer to be a trainee for a position otherwise  
25 described by this section.

26 SECTION 2.32. Sections 615.105(b) and (c), Government Code,  
27 are amended to read as follows:



1           (b) On the death of an individual listed in Subsection (a),  
2 regardless of whether the individual died as a result of a personal  
3 injury sustained in the line of duty as a peace officer, the  
4 individual's next of kin may receive on request a state flag from  
5 the Texas Commission on Law Enforcement [~~Officer Standards and~~  
6 ~~Education~~].

7           (c) If the office of the governor is notified of the death of  
8 an individual listed in Subsection (a) by the Texas Commission on  
9 Law Enforcement [~~Officer Standards and Education~~] under Section  
10 1701.161, Occupations Code, the office of the governor shall send  
11 to the individual's next of kin a certificate that expresses  
12 condolences and gratitude on behalf of the governor and the people  
13 of Texas for the individual's service as a Texas peace officer.

14           SECTION 2.33. Section 659.1031(b), Government Code, is  
15 amended to read as follows:

16           (b) In this section, "eligible state employee organization"  
17 means a state employee organization with a membership of at least  
18 2,000 active or retired state employees who hold or who have held  
19 certification from the Texas Commission on Law Enforcement [~~Officer~~  
20 ~~Standards and Education~~].

21           SECTION 2.34. Section 811.001(9), Government Code, is  
22 amended to read as follows:

23           (9) "Law enforcement officer" means a member of the  
24 retirement system who:

25                   (A) has been commissioned as a law enforcement  
26 officer by the Department of Public Safety, the Texas Alcoholic  
27 Beverage Commission, the Parks and Wildlife Department, or the

1 office of inspector general at the Texas Juvenile Justice  
2 Department [~~Youth Commission~~]; and

3 (B) is recognized as a commissioned law  
4 enforcement officer by the Texas Commission on Law Enforcement  
5 [~~Officer Standards and Education~~].

6 SECTION 2.35. Section 2001.028, Government Code, is amended  
7 to read as follows:

8 Sec. 2001.028. NOTICE OF PROPOSED LAW ENFORCEMENT RULES.  
9 Notice of the adoption of a proposed rule by the Commission on Jail  
10 Standards or the Texas Commission on Law Enforcement [~~Officer~~  
11 ~~Standards and Education~~] that affects a law enforcement agency of  
12 the state or of a political subdivision of the state is not  
13 effective until the notice is:

- 14 (1) published as required by Section 2001.023; and  
15 (2) mailed to each law enforcement agency that may be  
16 affected by the proposed rule.

17 SECTION 2.36. Section 2054.352(a), Government Code, is  
18 amended to read as follows:

19 (a) The following licensing entities shall participate in  
20 the system established under Section 2054.353:

- 21 (1) Texas Board of Chiropractic Examiners;  
22 (2) Court Reporters Certification Board;  
23 (3) State Board of Dental Examiners;  
24 (4) Texas Funeral Service Commission;  
25 (5) Texas Board of Professional Land Surveying;  
26 (6) Texas Medical Board;  
27 (7) Texas Board of Nursing;

- 1 (8) Texas Optometry Board;
- 2 (9) Department of Agriculture, for licenses issued
- 3 under Chapter 1951, Occupations Code;
- 4 (10) Texas State Board of Pharmacy;
- 5 (11) Executive Council of Physical Therapy and
- 6 Occupational Therapy Examiners;
- 7 (12) Texas State Board of Plumbing Examiners;
- 8 (13) Texas State Board of Podiatric Medical Examiners;
- 9 (14) Texas State Board of Examiners of Psychologists;
- 10 (15) State Board of Veterinary Medical Examiners;
- 11 (16) Texas Real Estate Commission;
- 12 (17) Texas Appraiser Licensing and Certification
- 13 Board;
- 14 (18) Texas Department of Licensing and Regulation;
- 15 (19) Texas State Board of Public Accountancy;
- 16 (20) State Board for Educator Certification;
- 17 (21) Texas Board of Professional Engineers;
- 18 (22) Department of State Health Services;
- 19 (23) Texas Board of Architectural Examiners;
- 20 (24) Texas Racing Commission;
- 21 (25) Texas Commission on Law Enforcement [~~Officer~~
- 22 ~~Standards and Education~~]; and
- 23 (26) Texas Private Security Board.

24 SECTION 2.37. Section 3105.002(2), Government Code, is

25 amended to read as follows:

- 26 (2) "Commission" means the Texas Commission on Law
- 27 Enforcement [~~Officer Standards and Education~~].

1 SECTION 2.38. Section 431.2471(b), Health and Safety Code,  
2 is amended to read as follows:

3 (b) The department may not employ a peace officer under this  
4 section unless:

5 (1) the employee will enforce the food and drug  
6 portions of this chapter;

7 (2) the Texas Commission on Law Enforcement [~~Officer~~  
8 ~~Standards and Education~~] certifies the employee as qualified to be  
9 a peace officer;

10 (3) the commissioner recommends the employee to the  
11 department as being qualified to enforce the food and drug laws  
12 within the jurisdiction of the department; and

13 (4) the employee also serves simultaneously as the  
14 director of the food and drugs division of the department.

15 SECTION 2.39. Section 614.002(e), Health and Safety Code,  
16 is amended to read as follows:

17 (e) The executive head of each of the following agencies,  
18 divisions of agencies, or associations, or that person's designated  
19 representative, shall serve as a member of the committee:

20 (1) the correctional institutions division of the  
21 Texas Department of Criminal Justice;

22 (2) the Department of State Health Services;

23 (3) the parole division of the Texas Department of  
24 Criminal Justice;

25 (4) the community justice assistance division of the  
26 Texas Department of Criminal Justice;

27 (5) [~~the Texas Juvenile Probation Commission,~~

1           ~~(6)~~ the Texas Juvenile Justice Department [~~Youth~~  
2 ~~Commission~~];  
3           (6) ~~(7)~~ the Department of Assistive and  
4 Rehabilitative Services;  
5           (7) ~~(8)~~ the Correctional Managed Health Care  
6 Committee;  
7           (8) ~~(9)~~ the Mental Health Association in Texas;  
8           (9) ~~(10)~~ the Board of Pardons and Paroles;  
9           (10) ~~(11)~~ the Texas Commission on Law Enforcement  
10 [~~Officer Standards and Education~~];  
11           (11) ~~(12)~~ the Texas Council of Community Mental  
12 Health and Mental Retardation Centers;  
13           (12) ~~(13)~~ the Commission on Jail Standards;  
14           (13) ~~(14)~~ the Texas Council for Developmental  
15 Disabilities;  
16           (14) ~~(15)~~ the Texas Association for Retarded  
17 Citizens;  
18           (15) ~~(16)~~ the National Alliance for the Mentally Ill  
19 of Texas;  
20           (16) ~~(17)~~ the Parent Association for the Retarded of  
21 Texas, Inc.;  
22           (17) ~~(18)~~ the Health and Human Services Commission;  
23 and  
24           (18) ~~(19)~~ the Department of Aging and Disability  
25 Services.

26           SECTION 2.40. Section 614.016, Health and Safety Code, is  
27 amended to read as follows:

1           Sec. 614.016. CONTINUITY OF CARE FOR CERTAIN OFFENDERS BY  
2 LAW ENFORCEMENT AND JAILS. (a) The office, the Texas Commission on  
3 Law Enforcement [~~Officer Standards and Education~~], the bureau of  
4 identification and records of the Department of Public Safety, and  
5 the Commission on Jail Standards by rule shall adopt a memorandum of  
6 understanding that establishes their respective responsibilities  
7 to institute a continuity of care and service program for offenders  
8 in the criminal justice system who are mentally impaired, elderly,  
9 physically disabled, terminally ill, or significantly ill.

10           (b) The memorandum of understanding must establish methods  
11 for:

12           (1) identifying offenders in the criminal justice  
13 system who are mentally impaired, elderly, physically disabled,  
14 terminally ill, or significantly ill;

15           (2) developing procedures for the exchange of  
16 information relating to offenders who are mentally impaired,  
17 elderly, physically disabled, terminally ill, or significantly ill  
18 by the office, the Texas Commission on Law Enforcement [~~Officer  
19 Standards and Education~~], and the Commission on Jail Standards for  
20 use in the continuity of care and services program; and

21           (3) adopting rules and standards that assist in the  
22 development of a continuity of care and services program for  
23 offenders who are mentally impaired, elderly, physically disabled,  
24 terminally ill, or significantly ill.

25           SECTION 2.41. Section 142.006(a), Human Resources Code, is  
26 amended to read as follows:

27           (a) A juvenile probation officer may carry a firearm in the

1 course of the officer's official duties if:

2 (1) the juvenile probation officer possesses a  
3 certificate of firearms proficiency issued by the Texas Commission  
4 on Law Enforcement [~~Officer Standards and Education~~] under Section  
5 1701.259, Occupations Code;

6 (2) the chief juvenile probation officer of the  
7 juvenile probation department that employs the juvenile probation  
8 officer authorizes the juvenile probation officer to carry a  
9 firearm in the course of the officer's official duties; and

10 (3) the juvenile probation officer has been employed  
11 for at least one year by the juvenile probation department  
12 described by Subdivision (2).

13 SECTION 2.42. Section 221.011(b), Human Resources Code, is  
14 amended to read as follows:

15 (b) Peace officers employed and commissioned under  
16 Subsection (a) must be certified by the Texas Commission on Law  
17 Enforcement [~~Officer Standards and Education~~] under Chapter 1701,  
18 Occupations Code.

19 SECTION 2.43. Section 242.102(e), Human Resources Code, is  
20 amended to read as follows:

21 (e) Peace officers employed and commissioned under  
22 Subsection (d) must:

23 (1) be certified by the Texas Commission on Law  
24 Enforcement [~~Officer Standards and Education~~] under Chapter 1701,  
25 Occupations Code; and

26 (2) complete advanced courses relating to the duties  
27 of peace officers employed and commissioned under Subsection (d) as

1 part of any continuing education requirements for the peace  
2 officers.

3 SECTION 2.44. Section 243.052(b), Human Resources Code, is  
4 amended to read as follows:

5 (b) Peace officers employed and commissioned under  
6 Subsection (a) must be certified by the Texas Commission on Law  
7 Enforcement [~~Officer Standards and Education~~] under Chapter 1701,  
8 Occupations Code.

9 SECTION 2.45. Sections 302.017(d), (e), and (f), Labor  
10 Code, are amended to read as follows:

11 (d) The commission shall contract with the Texas Commission  
12 on Law Enforcement [~~Officer Standards and Education~~] to develop a  
13 license verification interface to verify whether an applicant for  
14 employment as a peace officer:

15 (1) holds a current license issued by the Texas  
16 Commission on Law Enforcement [~~Officer Standards and Education~~]  
17 under Chapter 1701, Occupations Code, and, if so, the level of that  
18 license; and

19 (2) has had the applicant's license revoked or  
20 suspended by the Texas Commission on Law Enforcement [~~Officer~~  
21 ~~Standards and Education~~].

22 (e) The Texas Commission on Law Enforcement [~~Officer~~  
23 ~~Standards and Education~~] shall provide the commission with  
24 technical assistance in the development and testing of the license  
25 verification interface under Subsection (d).

26 (f) If the development and operation of the Internet website  
27 and the associated license verification interface is not possible



1 due to a lack of available funding, the commission shall:

2 (1) enter into a memorandum of understanding with the  
3 Texas Commission on Law Enforcement [~~Officer Standards and~~  
4 ~~Education~~] to integrate a peace officer job matching database for  
5 individuals seeking employment as peace officers in this state and  
6 state and local law enforcement agencies seeking applicants for  
7 employment as peace officers into the commission's existing Labor  
8 Exchange System; and

9 (2) ensure that:

10 (A) the commission registers an Internet domain  
11 name that is unique and that identifies on its face the purpose of  
12 the peace officer job matching database; and

13 (B) the registered domain name and associated  
14 link directs users of the Internet to a web page that instructs  
15 users on how to use the Labor Exchange System and includes a link to  
16 enter that system.

17 SECTION 2.46. Section 85.0025(a), Local Government Code, is  
18 amended to read as follows:

19 (a) The Texas Commission on Law Enforcement [~~Officer~~  
20 ~~Standards and Education~~] may require each county sheriff[7] who is  
21 not a commissioned peace officer[7] to attend not more than 40 hours  
22 of instruction in law enforcement. The commission shall allow a  
23 sheriff at least two but not more than four years after the date on  
24 which the sheriff assumes office to complete the hours of  
25 instruction.

26 SECTION 2.47. Section 141.009(b), Local Government Code, is  
27 amended to read as follows:

1 (b) In this chapter, "member of the police department" means  
2 an employee of the police department who has been licensed as a  
3 peace officer by the Texas Commission on Law Enforcement [~~Officer~~  
4 ~~Standards and Education~~].

5 SECTION 2.48. Section 143.013(b), Local Government Code, is  
6 amended to read as follows:

7 (b) A person appointed as head of a fire department must be  
8 eligible for certification by the Texas Commission on Fire  
9 Protection [~~Personnel Standards and Education~~] at the intermediate  
10 level or its equivalent as determined by that commission and must  
11 have served as a fully paid fire fighter for at least five years. A  
12 person appointed as head of a police department must be eligible for  
13 certification by the Texas Commission on Law Enforcement [~~Officer~~  
14 ~~Standards and Education~~] at the intermediate level or its  
15 equivalent as determined by that commission and must have served as  
16 a bona fide law enforcement officer for at least five years.

17 SECTION 2.49. Section 143.023(e), Local Government Code, is  
18 amended to read as follows:

19 (e) An applicant may not be certified as eligible for a  
20 beginning position with a police department unless the applicant  
21 meets all legal requirements necessary to become eligible for  
22 future licensing by the Texas Commission on Law Enforcement  
23 [~~Officer Standards and Education~~].

24 SECTION 2.50. Section 143.027(a), Local Government Code, is  
25 amended to read as follows:

26 (a) A person appointed to a beginning position in the fire  
27 or police department must serve a probationary period of one year

1 beginning on that person's date of employment as a fire fighter,  
2 police officer, or academy trainee. In a municipality with a  
3 population of less than 1.9 million, the commission by rule may  
4 extend the probationary period by not more than six months for a  
5 person who:

6 (1) is not employed by a department in which a  
7 collective bargaining agreement or a meet-and-confer agreement  
8 currently exists or previously existed; and

9 (2) is required to attend a basic training academy for  
10 initial certification by the Texas Commission on Fire Protection or  
11 the Texas Commission on Law Enforcement [~~Officer Standards and~~  
12 ~~Education~~].

13 SECTION 2.51. Section 143.044(b), Local Government Code, is  
14 amended to read as follows:

15 (b) If each fire fighter or police officer in a municipality  
16 is afforded an opportunity to qualify for certification, the  
17 municipality's governing body may authorize certification pay to  
18 those fire fighters who meet the requirements for certification set  
19 by the Texas Commission on Fire Protection [~~Personnel Standards and~~  
20 ~~Education~~] or for those police officers who meet the requirements  
21 for certification set by the Texas Commission on Law Enforcement  
22 [~~Officer Standards and Education~~].

23 SECTION 2.52. Section 143.105, Local Government Code, is  
24 amended to read as follows:

25 Sec. 143.105. ELIGIBILITY FOR BEGINNING POSITION IN POLICE  
26 DEPARTMENT. In addition to meeting the eligibility requirements  
27 prescribed by Section 143.023, to be certified as eligible for a

1 beginning position with a police department, a person must be at  
2 least 21 years of age at the end of the probationary period and  
3 have:

4 (1) served in the United States armed forces and  
5 received an honorable discharge;

6 (2) earned at least 60 hours' credit in any area of  
7 study at an accredited college or university, of which not more than  
8 12 hours' credit may be earned for training at the police officer  
9 training academy operated or sponsored by the municipality; or

10 (3) been employed full-time for at least five years as  
11 a peace officer licensed by:

12 (A) the Texas Commission on Law Enforcement  
13 [~~Officer Standards and Education~~]; or

14 (B) an acceptable licensing entity in another  
15 state that has law enforcement officer licensing requirements  
16 substantially equivalent to those of Chapter 1701, Occupations  
17 Code.

18 SECTION 2.53. Section 143.112(a), Local Government Code, is  
19 amended to read as follows:

20 (a) In this section:

21 (1) "Accredited college or university" means a college  
22 or university that is:

23 (A) accredited by a nationally recognized  
24 accrediting agency and by the state board of education in the state  
25 in which the college or university is located; and

26 (B) approved or certified by:

27 (i) the Texas Commission on Law Enforcement

1 ~~[Officer Standards and Education]~~ as teaching the core curriculum  
2 or its equivalent in law enforcement; or

3 (ii) the Texas Commission on Fire  
4 Protection ~~[Personnel Standards and Education]~~.

5 (2) "Core curriculum in law enforcement" means those  
6 courses in law enforcement education approved by the Coordinating  
7 Board, Texas College and University System, and the Texas  
8 Commission on Law Enforcement ~~[Officer Standards and Education]~~.

9 SECTION 2.54. Section 254.023(b), Local Government Code, is  
10 amended to read as follows:

11 (b) The board may:

12 (1) manage, control, maintain, and operate the island  
13 property;

14 (2) employ a general manager and any other officer,  
15 employee, or representative the board considers appropriate;

16 (3) prepare and adopt a budget, set charges for a  
17 service or facility, authorize an expenditure, and manage and  
18 control the income and revenue of the island property;

19 (4) determine policies and adopt rules and procedures  
20 for the operation of the island property;

21 (5) acquire property or an interest in property to  
22 accomplish the purposes of this chapter and construct an  
23 improvement or facility on the property;

24 (6) contract in its own name, but not in the name of  
25 the municipality;

26 (7) sue and be sued in its own name;

27 (8) adopt, use, and alter a corporate seal; and

1           (9) establish a security force and commission as a  
2 peace officer an employee of the force who is licensed by the Texas  
3 Commission on Law Enforcement [~~Officer Standards and Education~~].

4           SECTION 2.55. Section 306.040(a), Local Government Code, is  
5 amended to read as follows:

6           (a) The board may employ permanent or temporary personnel as  
7 it may require, including:

8                 (1) secretaries, stenographers, bookkeepers,  
9 accountants, and technical experts;

10                (2) municipal park and recreational patrol officers  
11 [~~patrolmen~~] and security officers employed as special park police  
12 officers, who must be licensed as peace officers by the Texas  
13 Commission on Law Enforcement [~~Officer Standards and Education~~];

14                (3) unarmed security guards; and

15                (4) parking attendants.

16           SECTION 2.56. Section 254.013(a), Occupations Code, is  
17 amended to read as follows:

18           (a) The board may commission as a peace officer to enforce  
19 this subtitle an employee who has been certified as qualified to be  
20 a peace officer by the Texas Commission on Law Enforcement [~~Officer~~  
21 ~~Standards and Education~~].

22           SECTION 2.57. Section 554.010(a), Occupations Code, is  
23 amended to read as follows:

24           (a) The board may commission as a peace officer to enforce  
25 this subtitle an employee who has been certified as qualified to be  
26 a peace officer by the Texas Commission on Law Enforcement [~~Officer~~  
27 ~~Standards and Education~~].

1 SECTION 2.58. Section 651.409, Occupations Code, is amended  
2 to read as follows:

3 Sec. 651.409. NOTICE TO NEXT OF KIN OF DECEASED PEACE  
4 OFFICER. A funeral director who prepares a deceased peace officer  
5 for burial or other disposition shall make every effort to advise  
6 the next of kin of the officer that the next of kin of a person who  
7 at the time of death was a peace officer or an honorably retired  
8 peace officer who voluntarily terminated employment with a law  
9 enforcement agency of this state or a political subdivision of this  
10 state is eligible on request to receive a state flag from the Texas  
11 Commission on Law Enforcement [~~Officer Standards and Education~~] at  
12 no cost to the next of kin.

13 SECTION 2.59. Section 11.0201(b), Parks and Wildlife Code,  
14 is amended to read as follows:

15 (b) An applicant for a special game warden commission must  
16 meet the minimum standards for licensing of a peace officer under  
17 the rules adopted by the Texas Commission on Law Enforcement  
18 [~~Officer Standards and Education~~].

19 SECTION 2.60. Section 46.05(f), Penal Code, is amended to  
20 read as follows:

21 (f) It is a defense to prosecution under this section for  
22 the possession of a chemical dispensing device that the actor is a  
23 security officer and has received training on the use of the  
24 chemical dispensing device by a training program that is:

25 (1) provided by the Texas Commission on Law  
26 Enforcement [~~Officer Standards and Education~~]; or

27 (2) approved for the purposes described by this

1 subsection by the Texas Private Security Board of the Department of  
2 Public Safety.

3 SECTION 2.61. Section 54.053(b), Transportation Code, is  
4 amended to read as follows:

5 (b) A board may:

6 (1) manage, control, maintain, and operate each port  
7 improvement or facility constituting a port or harbor of the  
8 municipality;

9 (2) employ a general manager and any other officer,  
10 employee, or representative the board considers appropriate;

11 (3) notwithstanding any law or charter provision to  
12 the contrary:

13 (A) prepare and adopt a budget for the operation  
14 of a port or harbor of the municipality;

15 (B) set charges for a service or facility;

16 (C) authorize an expenditure; and

17 (D) manage and control the income and revenue of  
18 each port or harbor of the municipality;

19 (4) determine policies and adopt rules and procedures  
20 for the operation of each port or harbor of the municipality;

21 (5) acquire property or an interest in property for  
22 any purpose set forth in Section 54.003 in the manner provided by  
23 this chapter and construct a port improvement or facility on the  
24 property;

25 (6) contract in its own name, but not in the name of  
26 the municipality;

27 (7) sue and be sued in its own name;



1           (8) adopt, use, and alter a corporate seal;

2           (9) establish a port security force, employ public  
3 security officers licensed by the Texas Commission on Law  
4 Enforcement [~~Officer Standards and Education~~], and commission  
5 employees of the force as peace officers;

6           (10) own, establish, construct, improve, equip,  
7 maintain, operate, regulate, protect, or police any transportation  
8 facility and any necessary appurtenance to that facility;

9           (11) construct, lease, improve, enlarge, extend,  
10 repair, maintain, replace, develop, or operate a port improvement  
11 or facility;

12           (12) exercise all powers of a municipality relating to  
13 the creation of an economic development program under Chapter 380,  
14 Local Government Code, for the purpose of making grants and loans;  
15 and

16           (13) exercise any additional power granted by the  
17 ordinance or charter.

18           ARTICLE 3. TRANSITION AND EFFECTIVE DATE

19           SECTION 3.01. (a) Effective January 1, 2014:

20           (1) the name of the Commission on Law Enforcement  
21 Officer Standards and Education is changed to the Texas Commission  
22 on Law Enforcement, and all powers, duties, rights, and obligations  
23 of the Commission on Law Enforcement Officer Standards and  
24 Education are the powers, duties, rights, and obligations of the  
25 Texas Commission on Law Enforcement;

26           (2) a member of the Commission on Law Enforcement  
27 Officer Standards and Education is a member of the Texas Commission

1 on Law Enforcement; and

2 (3) any appropriation to the Commission on Law  
3 Enforcement Officer Standards and Education is an appropriation to  
4 the Texas Commission on Law Enforcement.

5 (b) Effective January 1, 2014, a reference in law to the  
6 Commission on Law Enforcement Officer Standards and Education is a  
7 reference to the Texas Commission on Law Enforcement.

8 (c) The Texas Commission on Law Enforcement is the successor  
9 to the Commission on Law Enforcement Officer Standards and  
10 Education in all respects. All personnel, equipment, data,  
11 documents, facilities, contracts, items, other property, rules,  
12 decisions, and proceedings of or involving the Commission on Law  
13 Enforcement Officer Standards and Education are unaffected by the  
14 change in the name of the agency.

15 (d) The Commission on Law Enforcement Officer Standards and  
16 Education shall adopt a schedule for phasing in the change of the  
17 agency's name so as to minimize the fiscal impact of the name  
18 change. Until January 1, 2014, to allow for phasing in the change  
19 of the agency's name and in accordance with the schedule  
20 established as required by this section, the agency may perform any  
21 act authorized by law for the Commission on Law Enforcement Officer  
22 Standards and Education as the Commission on Law Enforcement  
23 Officer Standards and Education or as the Texas Commission on Law  
24 Enforcement. Any act of the Commission on Law Enforcement Officer  
25 Standards and Education acting as the Texas Commission on Law  
26 Enforcement on or after the effective date of this Act and before  
27 January 1, 2014, is an act of the Commission on Law Enforcement

1 Officer Standards and Education.

2           SECTION 3.02. This Act takes effect immediately if it  
3 receives a vote of two-thirds of all the members elected to each  
4 house, as provided by Section 39, Article III, Texas Constitution.  
5 If this Act does not receive the vote necessary for immediate  
6 effect, this Act takes effect September 1, 2013.