

1-1 By: Huffman, Hegar S.B. No. 686
1-2 (In the Senate - Filed February 20, 2013; February 25, 2013,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 27, 2013, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Carona		X	
1-11	Hinojosa	X		
1-12	Patrick	X		
1-13	Rodriguez	X		
1-14	Schwertner	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the change of the name of the Commission on Law
1-18 Enforcement Officer Standards and Education to the Texas Commission
1-19 on Law Enforcement.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 ARTICLE 1. CHANGING THE NAME OF THE COMMISSION ON LAW ENFORCEMENT
1-22 OFFICER STANDARDS AND EDUCATION TO THE TEXAS COMMISSION ON LAW
1-23 ENFORCEMENT

1-24 SECTION 1.01. Subdivision (1), Section 1701.001,
1-25 Occupations Code, is amended to read as follows:

1-26 (1) "Commission" means the Texas Commission on Law
1-27 Enforcement [~~Officer Standards and Education~~].

1-28 SECTION 1.02. Section 1701.002, Occupations Code, is
1-29 amended to read as follows:

1-30 Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas
1-31 Commission on Law Enforcement [~~Officer Standards and Education~~] is
1-32 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
1-33 continued in existence as provided by that chapter, the commission
1-34 is abolished and this chapter expires September 1, 2021.

1-35 SECTION 1.03. Subchapter A, Chapter 1701, Occupations Code,
1-36 is amended by adding Section 1701.004 to read as follows:

1-37 Sec. 1701.004. REFERENCE TO COMMISSION ON LAW ENFORCEMENT
1-38 OFFICER STANDARDS AND EDUCATION. A reference in law to the
1-39 Commission on Law Enforcement Officer Standards and Education or
1-40 the Texas Commission on Law Enforcement Officer Standards and
1-41 Education means the Texas Commission on Law Enforcement.

1-42 SECTION 1.04. The heading to Subchapter B, Chapter 1701,
1-43 Occupations Code, is amended to read as follows:

1-44 SUBCHAPTER B. TEXAS COMMISSION ON LAW ENFORCEMENT [~~OFFICER~~
1-45 ~~STANDARDS AND EDUCATION~~]

1-46 SECTION 1.05. Subsection (a), Section 1701.051,
1-47 Occupations Code, is amended to read as follows:

1-48 (a) The Texas Commission on Law Enforcement [~~Officer~~
1-49 ~~Standards and Education~~] is an agency of this state and consists of
1-50 nine members appointed by the governor with the advice and consent
1-51 of the senate as follows:

1-52 (1) three members who are sheriffs, constables, or
1-53 chiefs of police;

1-54 (2) three members who:

1-55 (A) are licensed under this chapter, two of whom
1-56 are peace officers who, at the time of appointment, hold
1-57 nonsupervisory positions with a law enforcement agency; and

1-58 (B) have been licensed under this chapter for the
1-59 five years preceding the date of appointment; and

1-60 (3) three members who represent the public.

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ARTICLE 2. CONFORMING AMENDMENTS

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

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

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

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

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

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

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

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

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

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

(9) officers commissioned by the General Services Commission;

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

(11) airport police officers commissioned by a city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more that operates an airport that serves commercial air carriers;

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

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

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

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

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

(17) investigators commissioned by the Texas Medical Board;

(18) officers commissioned by:

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

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

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

(20) investigators employed by the Texas Racing Commission;

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

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

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

(24) security officers and investigators commissioned

3-1 as peace officers under Chapter 466, Government Code;
 3-2 (25) an officer employed by the Department of State
 3-3 Health Services under Section 431.2471, Health and Safety Code;
 3-4 (26) officers appointed by an appellate court under
 3-5 Subchapter F, Chapter 53, Government Code;
 3-6 (27) officers commissioned by the state fire marshal
 3-7 under Chapter 417, Government Code;
 3-8 (28) an investigator commissioned by the commissioner
 3-9 of insurance under Section 701.104, Insurance Code;
 3-10 (29) apprehension specialists and inspectors general
 3-11 commissioned by the Texas Juvenile Justice Department as officers
 3-12 under Sections 242.102 and 243.052, Human Resources Code;
 3-13 (30) officers appointed by the inspector general of
 3-14 the Texas Department of Criminal Justice under Section 493.019,
 3-15 Government Code;
 3-16 (31) investigators commissioned by the Texas
 3-17 Commission on Law Enforcement ~~[Officer Standards and Education]~~
 3-18 under Section 1701.160, Occupations Code;
 3-19 (32) commission investigators commissioned by the
 3-20 Texas Private Security Board under Section 1702.061(f),
 3-21 Occupations Code;
 3-22 (33) the fire marshal and any officers, inspectors, or
 3-23 investigators commissioned by an emergency services district under
 3-24 Chapter 775, Health and Safety Code;
 3-25 (34) officers commissioned by the State Board of
 3-26 Dental Examiners under Section 254.013, Occupations Code, subject
 3-27 to the limitations imposed by that section;
 3-28 (35) investigators commissioned by the Texas Juvenile
 3-29 Justice Department as officers under Section 221.011, Human
 3-30 Resources Code; and
 3-31 (36) the fire marshal and any related officers,
 3-32 inspectors, or investigators commissioned by a county under
 3-33 Subchapter B, Chapter 352, Local Government Code.
 3-34 SECTION 2.02. Subsection (e), Article 2.121, Code of
 3-35 Criminal Procedure, is amended to read as follows:
 3-36 (e) A person may not serve as a railroad peace officer for a
 3-37 railroad company unless:
 3-38 (1) the Texas Railroad Association submits the
 3-39 person's application for appointment and certification as a
 3-40 railroad peace officer to the director of the Department of Public
 3-41 Safety and to the executive director of the Texas Commission on Law
 3-42 Enforcement ~~[Officer Standards and Education]~~;
 3-43 (2) the director of the department issues the person a
 3-44 certificate of authority to act as a railroad peace officer; and
 3-45 (3) the executive director of the commission
 3-46 determines that the person meets minimum standards required of
 3-47 peace officers by the commission relating to competence,
 3-48 reliability, education, training, morality, and physical and
 3-49 mental health and issues the person a license as a railroad peace
 3-50 officer; and
 3-51 (4) the person has met all standards for certification
 3-52 as a peace officer by the Texas Commission on Law Enforcement
 3-53 ~~[Officer Standards and Education]~~.
 3-54 SECTION 2.03. Subsection (e), Article 2.125, Code of
 3-55 Criminal Procedure, is amended to read as follows:
 3-56 (e) A person may not serve as a special ranger unless:
 3-57 (1) the Texas and Southwestern Cattle Raisers
 3-58 Association submits the person's application for appointment and
 3-59 certification as a special ranger to the director of the Department
 3-60 of Public Safety and to the executive director of the Texas
 3-61 Commission on Law Enforcement ~~[Officer Standards and Education]~~;
 3-62 (2) the director of the department issues the person a
 3-63 certificate of authority to act as a special ranger;
 3-64 (3) the executive director of the commission
 3-65 determines that the person meets minimum standards required of
 3-66 peace officers by the commission relating to competence,
 3-67 reliability, education, training, morality, and physical and
 3-68 mental health and issues the person a license as a special ranger;
 3-69 and

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

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

(e) Any person commissioned under this article must:

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

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 42.011. JUDGMENT AFFECTING AN OFFICER OR JAILER. If a person licensed under Chapter 1701, Occupations ~~[415, 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, the clerk of the court shall send the Texas Commission on Law Enforcement ~~[Officer Standards and Education]~~, 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.

SECTION 2.10. Subsection (h), Article 102.022, Code of Criminal Procedure, is amended to read as follows:

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

SECTION 2.11. Subsections (f) and (h), Section 37.081, Education Code, are amended to read as follows:

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

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

SECTION 2.12. Subsection (e), Section 51.203, Education

6-1 Code, is amended to read as follows:

6-2 (e) Any person commissioned under this Act must be a
6-3 certified police officer under the requirements of the Texas
6-4 Commission on Law Enforcement ~~[Officer Standards and Education]~~.

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

6-7 (f) A person may not be commissioned under this section
6-8 unless the person obtains a peace officer license issued by the
6-9 Texas Commission on Law Enforcement ~~[Officer Standards and Education]~~. The employing medical corporation or parent
6-10 corporation shall pay to the Texas Commission on Law Enforcement
6-11 ~~[Officer Standards and Education]~~ on behalf of an employee any fees
6-12 that are necessary to obtain a required license.

6-14 SECTION 2.14. Subsection (g), Section 54.352, Education
6-15 Code, is amended to read as follows:

6-16 (g) In this section, "injury suffered during the
6-17 performance of a duty as a peace officer" means an injury occurring
6-18 as a result of the peace officer's performance of any of the
6-19 following law enforcement duties:

6-20 (1) traffic enforcement or traffic control duties,
6-21 including enforcement of traffic laws, investigation of vehicle
6-22 accidents, or directing traffic;

6-23 (2) pursuit, arrest, or search of a person reasonably
6-24 believed to have violated a law;

6-25 (3) investigation, including undercover
6-26 investigation, of a criminal act;

6-27 (4) patrol duties, including automobile, bicycle,
6-28 foot, air, or horse patrol;

6-29 (5) duties related to the transfer of prisoners; or

6-30 (6) training duties, including participation in any
6-31 training required by the officer's employer or supervisor or by the
6-32 Texas Commission on Law Enforcement ~~[Officer Standards and Education]~~.
6-33

6-34 SECTION 2.15. Section 88.103, Education Code, is amended to
6-35 read as follows:

6-36 Sec. 88.103. ENFORCEMENT; APPOINTMENT OF PEACE OFFICERS.
6-37 The director may appoint not to exceed 25 employees of the Texas
6-38 Forest Service who are certified by the Texas Commission on Law
6-39 Enforcement ~~[Officer Standards and Education]~~ as qualified to be
6-40 peace officers to serve as peace officers under the direction of the
6-41 director in executing the enforcement duties of that agency. The
6-42 appointments must be approved by the board which shall commission
6-43 the appointees as peace officers. Any officer commissioned under
6-44 this section is vested with all the powers, privileges, and
6-45 immunities of peace officers in the performance of the officer's
6-46 duties. The officer shall take the oath required of peace officers.

6-47 SECTION 2.16. Subsections (a), (b), and (d), Section
6-48 96.641, Education Code, are amended to read as follows:

6-49 (a) The Bill Blackwood Law Enforcement Management Institute
6-50 of Texas shall establish and offer a program of initial training and
6-51 a program of continuing education for police chiefs. The
6-52 curriculum for each program must relate to law enforcement
6-53 management issues. The institute shall develop the curriculum for
6-54 the programs. The curriculum must be approved by the Texas
6-55 Commission on Law Enforcement ~~[Officer Standards and Education]~~.

6-56 (b) Each police chief must receive at least 40 hours of
6-57 continuing education provided by the institute under this section
6-58 each 24-month period. The Texas Commission on Law Enforcement
6-59 ~~[Officer Standards and Education]~~ by rule shall establish a uniform
6-60 24-month continuing education training period.

6-61 (d) A newly appointed or elected police chief shall complete
6-62 the initial training program for new chiefs not later than the
6-63 second anniversary of that individual's appointment or election as
6-64 chief. The initial training program for new chiefs is in addition
6-65 to the initial training and continuing education required by
6-66 Chapter 1701, Occupations Code. The Texas Commission on Law
6-67 Enforcement ~~[Officer Standards and Education]~~ by rule shall
6-68 establish that the first continuing education training period for
6-69 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.

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

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

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

(j) Not later than one year after the date of appointment, the bailiff of a statutory county court must have received a peace officer license under Chapter 1701, Occupations Code, ~~[415]~~ from the Texas Commission on Law Enforcement ~~[Officer Standards and Education]~~. The sheriff of Kaufman County shall deputize the bailiff of a statutory county court. The bailiff of a statutory county court is subject to the training and continuing education requirements of a sheriff's deputy of the county. The sheriff shall remove from office a bailiff who does not receive a peace officer license within one year of appointment as required by this subsection.

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

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

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

(e) 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), a person must be at least 21 years old and hold a peace officer license under Chapter 1701, Occupations Code, ~~[415]~~ from the Texas Commission on Law Enforcement ~~[Officer Standards and Education]~~. This subsection does not apply to a person serving as bailiff of a court described by Section 53.001(g) on September 1, 1991.

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

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

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

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

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

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

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

Sec. 411.112. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION ON LAW ENFORCEMENT ~~[OFFICER STANDARDS AND EDUCATION]~~. The Texas Commission on Law Enforcement ~~[Officer Standards and Education]~~ is entitled to obtain from the department criminal history record information maintained by the

8-1 department that relates to a person who is:

8-2 (1) an applicant for a license under Chapter 1701,
8-3 Occupations Code; or

8-4 (2) the holder of a license under that chapter.

8-5 SECTION 2.24. Subsection (a), Section 411.1882, Government
8-6 Code, is amended to read as follows:

8-7 (a) A person who is serving in this state as a judge or
8-8 justice of a federal court, as an active judicial officer, as
8-9 defined by Section 411.201, or as a district attorney, assistant
8-10 district attorney, criminal district attorney, assistant criminal
8-11 district attorney, county attorney, or assistant county attorney
8-12 may establish handgun proficiency for the purposes of this
8-13 subchapter by obtaining from a handgun proficiency instructor
8-14 approved by the Texas Commission on Law Enforcement ~~[Officer~~
8-15 ~~Standards and Education]~~ for purposes of Section 1702.1675,
8-16 Occupations Code, a sworn statement that:

8-17 (1) indicates that the person, during the 12-month
8-18 period preceding the date of the person's application to the
8-19 department, demonstrated to the instructor proficiency in the use
8-20 of handguns; and

8-21 (2) designates the categories of handguns with respect
8-22 to which the person demonstrated proficiency.

8-23 SECTION 2.25. Subsection (a), Section 411.190, Government
8-24 Code, is amended to read as follows:

8-25 (a) The director may certify as a qualified handgun
8-26 instructor a person who:

8-27 (1) is certified by the Texas Commission on Law
8-28 Enforcement ~~[Officer Standards and Education]~~ or under Chapter
8-29 1702, Occupations Code, to instruct others in the use of handguns;

8-30 (2) regularly instructs others in the use of handguns
8-31 and has graduated from a handgun instructor school that uses a
8-32 nationally accepted course designed to train persons as handgun
8-33 instructors; or

8-34 (3) is certified by the National Rifle Association of
8-35 America as a handgun instructor.

8-36 SECTION 2.26. Subsection (a), Section 421.021, Government
8-37 Code, is amended to read as follows:

8-38 (a) The Homeland Security Council is composed of the
8-39 governor or the governor's designee, the speaker of the house of
8-40 representatives or the speaker's designee, the lieutenant governor
8-41 or the lieutenant governor's designee, and one representative of
8-42 each of the following entities, appointed by the single statewide
8-43 elected or appointed governing officer, administrative head, or
8-44 chair, as appropriate, of the entity:

8-45 (1) Department of Agriculture;

8-46 (2) office of the attorney general;

8-47 (3) General Land Office;

8-48 (4) Public Utility Commission of Texas;

8-49 (5) Department of State Health Services;

8-50 (6) Department of Information Resources;

8-51 (7) Department of Public Safety of the State of Texas;

8-52 (8) Texas Division of Emergency Management;

8-53 (9) adjutant general's department;

8-54 (10) Texas Commission on Environmental Quality;

8-55 (11) Railroad Commission of Texas;

8-56 (12) Texas Strategic Military Planning Commission;

8-57 (13) Texas Department of Transportation;

8-58 (14) Commission on State Emergency Communications;

8-59 (15) Office of State-Federal Relations;

8-60 (16) secretary of state;

8-61 (17) Senate Committee on Agriculture, Rural Affairs
8-62 [Transportation] and Homeland Security;

8-63 (18) House Committee on Defense and Veterans' Affairs;

8-64 (19) Texas Animal Health Commission;

8-65 (20) Texas Association of Regional Councils;

8-66 (21) Texas Commission on Law Enforcement ~~[Officer~~
8-67 ~~Standards and Education]~~;

8-68 (22) state fire marshal's office;

8-69 (23) Texas Education Agency;

- 9-1 (24) Texas Commission on Fire Protection;
- 9-2 (25) Parks and Wildlife Department;
- 9-3 (26) Texas Forest Service; and
- 9-4 (27) Texas Water Development Board.

9-5 SECTION 2.27. Section 493.019, Government Code, is amended
9-6 to read as follows:

9-7 Sec. 493.019. ENFORCEMENT OFFICERS. The inspector general
9-8 may appoint employees who are certified by the Texas Commission on
9-9 Law Enforcement [~~Officer Standards and Education~~] as qualified to
9-10 be peace officers to serve under the direction of the inspector
9-11 general and assist the inspector general in performing the
9-12 enforcement duties of the department.

9-13 SECTION 2.28. Subsection (d), Section 494.008, Government
9-14 Code, is amended to read as follows:

9-15 (d) An employee described by Subsection (a) may not be
9-16 considered a peace officer for any purposes other than those
9-17 specified under this section and is not required to be certified by
9-18 the Texas Commission on Law Enforcement [~~Officer Standards and~~
9-19 ~~Education~~].

9-20 SECTION 2.29. Section 497.031, Government Code, is amended
9-21 to read as follows:

9-22 Sec. 497.031. SALE OF STATE FLAGS TO STATE AGENCY. The
9-23 department shall sell state flags to the Texas Commission on Law
9-24 Enforcement [~~Officer Standards and Education~~] at a price that does
9-25 not exceed the department's cost in producing or obtaining the
9-26 state flags.

9-27 SECTION 2.30. Subsections (f) and (i), Section 511.0092,
9-28 Government Code, are amended to read as follows:

9-29 (f) A county, municipality, or private vendor operating
9-30 under a contract described by Subsection (b) shall:

- 9-31 (1) send a copy of the contract to the commission;
- 9-32 (2) require all employees at the facility to maintain
9-33 certification as required by the Texas Commission on Law
9-34 Enforcement [~~Officer Standards and Education~~];
- 9-35 (3) submit to inspections by the commission; and
- 9-36 (4) immediately notify the commission of any riot,
9-37 rebellion, escape, or other emergency situation occurring at the
9-38 facility.

9-39 (i) Chapter 1702, Occupations Code, does not apply to an
9-40 employee of a facility in the actual discharge of duties as an
9-41 employee of the facility if the employee is required by Subsection
9-42 (f)(2) [~~or by Section 1701.406, Occupations Code,~~] to maintain
9-43 certification from the Texas Commission on Law Enforcement [~~Officer~~
9-44 ~~Standards and Education~~].

9-45 SECTION 2.31. Section 615.003, Government Code, is amended
9-46 to read as follows:

9-47 Sec. 615.003. APPLICABILITY. This chapter applies only to
9-48 eligible survivors of the following individuals:

- 9-49 (1) an individual elected, appointed, or employed as a
9-50 peace officer by the state or a political subdivision of the state
9-51 under Article 2.12, Code of Criminal Procedure, or other law;
- 9-52 (2) a paid probation officer appointed by the director
9-53 of a community supervision and corrections department who has the
9-54 duties set out in Section 76.002 and the qualifications set out in
9-55 Section 76.005, or who was appointed in accordance with prior law;
- 9-56 (3) a parole officer employed by the Texas Department
9-57 of Criminal Justice who has the duties set out in Section 508.001
9-58 and the qualifications set out in Section 508.113 or in prior law;
- 9-59 (4) a paid jailer;
- 9-60 (5) a member of an organized police reserve or
9-61 auxiliary unit who regularly assists peace officers in enforcing
9-62 criminal laws;
- 9-63 (6) a member of the class of employees of the
9-64 correctional institutions division formally designated as
9-65 custodial personnel under Section 615.006 by the Texas Board of
9-66 Criminal Justice or its predecessor in function;
- 9-67 (7) a jailer or guard of a county jail who is appointed
9-68 by the sheriff and who:
- 9-69 (A) performs a security, custodial, or

supervisory function over the admittance, confinement, or discharge of prisoners; and

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

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

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

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

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

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

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

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

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

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

(13) an individual who:

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

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

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

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

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

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

(C) the Texas Department of Criminal Justice; or

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

SECTION 2.32. Subsections (b) and (c), Section 615.105, Government Code, are amended to read as follows:

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

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

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

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

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

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

(A) has been commissioned as a law enforcement officer by the Department of Public Safety, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Department, or the office of inspector general at the Texas Juvenile Justice Department ~~[Youth Commission]~~; and

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

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

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

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

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

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

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

SECTION 2.37. Subdivision (2), Section 3105.002, Government Code, is amended to read as follows:

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

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

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

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

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

(3) the commissioner recommends the employee to the

12-1 department as being qualified to enforce the food and drug laws
 12-2 within the jurisdiction of the department; and

12-3 (4) the employee also serves simultaneously as the
 12-4 director of the food and drugs division of the department.

12-5 SECTION 2.39. Subsection (e), Section 614.002, Health and
 12-6 Safety Code, is amended to read as follows:

12-7 (e) The executive head of each of the following agencies,
 12-8 divisions of agencies, or associations, or that person's designated
 12-9 representative, shall serve as a member of the committee:

12-10 (1) the correctional institutions division of the
 12-11 Texas Department of Criminal Justice;

12-12 (2) the Department of State Health Services;

12-13 (3) the parole division of the Texas Department of
 12-14 Criminal Justice;

12-15 (4) the community justice assistance division of the
 12-16 Texas Department of Criminal Justice;

12-17 (5) ~~[the Texas Juvenile Probation Commission;~~

12-18 ~~[(6)] the Texas Juvenile Justice Department [Youth~~
 12-19 ~~Commission];~~

12-20 (6) ~~[(7)]~~ the Department of Assistive and
 12-21 Rehabilitative Services;

12-22 (7) ~~[(8)]~~ the Correctional Managed Health Care
 12-23 Committee;

12-24 (8) ~~[(9)]~~ the Mental Health Association in Texas;

12-25 (9) ~~[(10)]~~ the Board of Pardons and Paroles;

12-26 (10) ~~[(11)]~~ the Texas Commission on Law Enforcement
 12-27 ~~[Officer Standards and Education];~~

12-28 (11) ~~[(12)]~~ the Texas Council of Community Mental
 12-29 Health and Mental Retardation Centers;

12-30 (12) ~~[(13)]~~ the Commission on Jail Standards;

12-31 (13) ~~[(14)]~~ the Texas Council for Developmental
 12-32 Disabilities;

12-33 (14) ~~[(15)]~~ the Texas Association for Retarded
 12-34 Citizens;

12-35 (15) ~~[(16)]~~ the National Alliance for the Mentally Ill
 12-36 of Texas;

12-37 (16) ~~[(17)]~~ the Parent Association for the Retarded of
 12-38 Texas, Inc.;

12-39 (17) ~~[(18)]~~ the Health and Human Services Commission;
 12-40 and

12-41 (18) ~~[(19)]~~ the Department of Aging and Disability
 12-42 Services.

12-43 SECTION 2.40. Section 614.016, Health and Safety Code, is
 12-44 amended to read as follows:

12-45 Sec. 614.016. CONTINUITY OF CARE FOR CERTAIN OFFENDERS BY
 12-46 LAW ENFORCEMENT AND JAILS. (a) The office, the Texas Commission
 12-47 on Law Enforcement ~~[Officer Standards and Education]~~, the bureau of
 12-48 identification and records of the Department of Public Safety, and
 12-49 the Commission on Jail Standards by rule shall adopt a memorandum of
 12-50 understanding that establishes their respective responsibilities
 12-51 to institute a continuity of care and service program for offenders
 12-52 in the criminal justice system who are mentally impaired, elderly,
 12-53 physically disabled, terminally ill, or significantly ill.

12-54 (b) The memorandum of understanding must establish methods
 12-55 for:

12-56 (1) identifying offenders in the criminal justice
 12-57 system who are mentally impaired, elderly, physically disabled,
 12-58 terminally ill, or significantly ill;

12-59 (2) developing procedures for the exchange of
 12-60 information relating to offenders who are mentally impaired,
 12-61 elderly, physically disabled, terminally ill, or significantly ill
 12-62 by the office, the Texas Commission on Law Enforcement ~~[Officer~~
 12-63 ~~Standards and Education]~~, and the Commission on Jail Standards for
 12-64 use in the continuity of care and services program; and

12-65 (3) adopting rules and standards that assist in the
 12-66 development of a continuity of care and services program for
 12-67 offenders who are mentally impaired, elderly, physically disabled,
 12-68 terminally ill, or significantly ill.

12-69 SECTION 2.41. Subsection (a), Section 142.006, Human

13-1 Resources Code, is amended to read as follows:

13-2 (a) A juvenile probation officer may carry a firearm in the
13-3 course of the officer's official duties if:

13-4 (1) the juvenile probation officer possesses a
13-5 certificate of firearms proficiency issued by the Texas Commission
13-6 on Law Enforcement [~~Officer Standards and Education~~] under Section
13-7 1701.259, Occupations Code;

13-8 (2) the chief juvenile probation officer of the
13-9 juvenile probation department that employs the juvenile probation
13-10 officer authorizes the juvenile probation officer to carry a
13-11 firearm in the course of the officer's official duties; and

13-12 (3) the juvenile probation officer has been employed
13-13 for at least one year by the juvenile probation department
13-14 described by Subdivision (2).

13-15 SECTION 2.42. Subsection (b), Section 221.011, Human
13-16 Resources Code, is amended to read as follows:

13-17 (b) Peace officers employed and commissioned under
13-18 Subsection (a) must be certified by the Texas Commission on Law
13-19 Enforcement [~~Officer Standards and Education~~] under Chapter 1701,
13-20 Occupations Code.

13-21 SECTION 2.43. Subsection (e), Section 242.102, Human
13-22 Resources Code, is amended to read as follows:

13-23 (e) Peace officers employed and commissioned under
13-24 Subsection (d) must:

13-25 (1) be certified by the Texas Commission on Law
13-26 Enforcement [~~Officer Standards and Education~~] under Chapter 1701,
13-27 Occupations Code; and

13-28 (2) complete advanced courses relating to the duties
13-29 of peace officers employed and commissioned under Subsection (d) as
13-30 part of any continuing education requirements for the peace
13-31 officers.

13-32 SECTION 2.44. Subsection (b), Section 243.052, Human
13-33 Resources Code, is amended to read as follows:

13-34 (b) Peace officers employed and commissioned under
13-35 Subsection (a) must be certified by the Texas Commission on Law
13-36 Enforcement [~~Officer Standards and Education~~] under Chapter 1701,
13-37 Occupations Code.

13-38 SECTION 2.45. Subsections (d), (e), and (f), Section
13-39 302.017, Labor Code, are amended to read as follows:

13-40 (d) The commission shall contract with the Texas Commission
13-41 on Law Enforcement [~~Officer Standards and Education~~] to develop a
13-42 license verification interface to verify whether an applicant for
13-43 employment as a peace officer:

13-44 (1) holds a current license issued by the Texas
13-45 Commission on Law Enforcement [~~Officer Standards and Education~~]
13-46 under Chapter 1701, Occupations Code, and, if so, the level of that
13-47 license; and

13-48 (2) has had the applicant's license revoked or
13-49 suspended by the Texas Commission on Law Enforcement [~~Officer~~
13-50 ~~Standards and Education~~].

13-51 (e) The Texas Commission on Law Enforcement [~~Officer~~
13-52 ~~Standards and Education~~] shall provide the commission with
13-53 technical assistance in the development and testing of the license
13-54 verification interface under Subsection (d).

13-55 (f) If the development and operation of the Internet website
13-56 and the associated license verification interface is not possible
13-57 due to a lack of available funding, the commission shall:

13-58 (1) enter into a memorandum of understanding with the
13-59 Texas Commission on Law Enforcement [~~Officer Standards and~~
13-60 ~~Education~~] to integrate a peace officer job matching database for
13-61 individuals seeking employment as peace officers in this state and
13-62 state and local law enforcement agencies seeking applicants for
13-63 employment as peace officers into the commission's existing Labor
13-64 Exchange System; and

13-65 (2) ensure that:

13-66 (A) the commission registers an Internet domain
13-67 name that is unique and that identifies on its face the purpose of
13-68 the peace officer job matching database; and

13-69 (B) the registered domain name and associated

link directs users of the Internet to a web page that instructs users on how to use the Labor Exchange System and includes a link to enter that system.

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

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

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

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

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

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

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

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

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

(a) A person appointed to a beginning position in the fire or police department must serve a probationary period of one year beginning on that person's date of employment as a fire fighter, police officer, or academy trainee. In a municipality with a population of less than 1.9 million, the commission by rule may extend the probationary period by not more than six months for a person who:

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

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

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

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

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

Sec. 143.105. ELIGIBILITY FOR BEGINNING POSITION IN POLICE DEPARTMENT. In addition to meeting the eligibility requirements prescribed by Section 143.023, to be certified as eligible for a beginning position with a police department, a person must be at

least 21 years of age at the end of the probationary period and have:

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

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

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

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

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

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

(a) In this section:

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

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

(B) approved or certified by:

(i) the Texas Commission on Law Enforcement ~~[Officer Standards and Education]~~ as teaching the core curriculum or its equivalent in law enforcement; or

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

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

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

(b) The board may:

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) unarmed security guards; and

(4) parking attendants.

SECTION 2.56. Subsection (a), Section 254.013, Occupations

Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(2) approved for the purposes described by this subsection by the Texas Private Security Board of the Department of Public Safety.

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

(b) A board may:

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

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

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

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

(B) set charges for a service or facility;

(C) authorize an expenditure; and

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

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

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

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

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

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

(9) establish a port security force, employ public security officers licensed by the Texas Commission on Law Enforcement ~~[Officer Standards and Education]~~, and commission

employees of the force as peace officers;

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

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

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

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

ARTICLE 3. TRANSITION AND EFFECTIVE DATE

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

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

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

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

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

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

(d) The Commission on Law Enforcement Officer Standards and Education shall adopt a schedule for phasing in the change of the agency's name so as to minimize the fiscal impact of the name change. 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, the agency may perform any act authorized by law for the Commission on Law Enforcement Officer Standards and Education as the Commission on Law Enforcement Officer Standards and Education or as the Texas Commission on Law Enforcement. Any act of the Commission on Law Enforcement Officer Standards and Education acting as the Texas Commission on Law Enforcement on or after the effective date of this Act and before January 1, 2014, is an act of the Commission on Law Enforcement Officer Standards and Education.

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

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