

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris

H.B. No. 1951

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the licensing and regulation of telecommunicators;
3 providing a criminal penalty.

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

5 SECTION 1. Section 1701.151, Occupations Code, is amended
6 to read as follows:

7 Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING
8 AUTHORITY. The commission may:

9 (1) adopt rules for the administration of this chapter
10 and for the commission's internal management and control;

11 (2) establish minimum standards relating to
12 competence and reliability, including education, training,
13 physical, mental, and moral standards, for licensing as an officer,
14 county jailer, ~~[or]~~ public security officer, or ~~[employment as a]~~
15 telecommunicator;

16 (3) report to the governor and legislature on the
17 commission's activities, with recommendations on matters under the
18 commission's jurisdiction, and make other reports that the
19 commission considers desirable;

20 (4) require a state agency or a county, special
21 district, or municipality in this state that employs officers,
22 telecommunicators, or county jailers to submit reports and
23 information;

24 (5) contract as the commission considers necessary for

1 services, facilities, studies, and reports required for:

2 (A) cooperation with municipal, county, special
3 district, state, and federal law enforcement agencies in training
4 programs; and

5 (B) performance of the commission's other
6 functions; and

7 (6) conduct research and stimulate research by public
8 and private agencies to improve law enforcement and police
9 administration.

10 SECTION 2. Sections 1701.251(a) and (c), Occupations Code,
11 are amended to read as follows:

12 (a) The commission shall establish and maintain training
13 programs for officers, ~~and~~ county jailers, and
14 telecommunicators. The training shall be conducted by the
15 commission staff or by other agencies and institutions the
16 commission considers appropriate.

17 (c) The commission may:

18 (1) issue or revoke the license of a school operated by
19 or for this state or a political subdivision of this state
20 specifically for training officers, county jailers, ~~or~~ recruits,
21 or telecommunicators;

22 (2) operate schools and conduct preparatory,
23 in-service, basic, and advanced courses in the schools, as the
24 commission determines appropriate, for officers, county jailers,
25 ~~and~~ recruits, and telecommunicators;

26 (3) issue a license to a person to act as a qualified
27 instructor under conditions that the commission prescribes; and

1 (4) consult and cooperate with a municipality, county,
2 special district, state agency or other governmental agency, or a
3 university, college, junior college, or other institution,
4 concerning the development of schools and training programs for
5 officers, ~~and~~ county jailers, and telecommunicators.

6 SECTION 3. Section 1701.301, Occupations Code, is amended
7 to read as follows:

8 Sec. 1701.301. LICENSE REQUIRED. Except as provided by
9 Sections 1701.310, ~~and~~ 1701.311, and 1701.405, a person may not
10 appoint or employ a person to serve as an officer, county jailer,
11 ~~or~~ public security officer, or telecommunicator unless the person
12 ~~appointed~~ holds an appropriate license issued by the commission.

13 SECTION 4. Section 1701.303, Occupations Code, is amended
14 by adding Subsection (c) to read as follows:

15 (c) A person who appoints or employs a telecommunicator
16 licensed by the commission shall notify the commission not later
17 than the 30th day after the date of the appointment or employment.
18 If the person appoints or employs an individual who previously
19 served as a telecommunicator and the appointment or employment
20 occurs after the 180th day after the last date of service as a
21 telecommunicator, the person must have on file in a form readily
22 accessible to the commission:

23 (1) new criminal history record information; and

24 (2) two completed fingerprint cards.

25 SECTION 5. The heading to Section 1701.307, Occupations
26 Code, is amended to read as follows:

27 Sec. 1701.307. ISSUANCE OF OFFICER OR COUNTY JAILER

1 LICENSE.

2 SECTION 6. Section 1701.307(a), Occupations Code, is
3 amended to read as follows:

4 (a) The commission shall issue an appropriate officer or
5 county jailer license to a person who, as required by this chapter:

- 6 (1) submits an application;
- 7 (2) completes the required training;
- 8 (3) passes the required examination;
- 9 (4) is declared to be in satisfactory psychological
10 and emotional health and free from drug dependency or illegal drug
11 use; and
- 12 (5) demonstrates weapons proficiency.

13 SECTION 7. Subchapter G, Chapter 1701, Occupations Code, is
14 amended by adding Section 1701.3071 to read as follows:

15 Sec. 1701.3071. ISSUANCE OF TELECOMMUNICATOR LICENSE. (a)
16 The commission shall issue a telecommunicator license to a person
17 who:

- 18 (1) submits an application;
- 19 (2) completes the required training;
- 20 (3) passes the required examination; and
- 21 (4) meets any other requirement of this chapter and
22 the rules prescribed by the commission to qualify as a
23 telecommunicator.

24 (b) The commission may issue a temporary or permanent
25 license to a person to act as a telecommunicator.

26 SECTION 8. Section 1701.352, Occupations Code, is amended
27 by adding Subsection (i) to read as follows:

1 (i) A state agency, county, special district, or
2 municipality that appoints or employs a telecommunicator shall
3 provide training to the telecommunicator of not less than 20 hours
4 during each 24-month period of employment. The training must be
5 approved by the commission and consist of topics selected by the
6 commission and the employing entity.

7 SECTION 9. Section 1701.401(c), Occupations Code, is
8 amended to read as follows:

9 (c) The commission shall adopt rules for issuing
10 achievement awards to peace officers, reserve peace officers,
11 jailers, ~~or~~ custodial officers, or telecommunicators who are
12 licensed by the commission. The commission's rules shall require
13 recommendations from an elected official of this state or a
14 political subdivision, an administrator of a law enforcement
15 agency, or a person holding a license issued by the commission.

16 SECTION 10. Section 1701.405, Occupations Code, is amended
17 by amending Subsection (b) and adding Subsections (b-1) and (b-2)
18 to read as follows:

19 (b) This state or a political subdivision of this state may
20 not employ a person to act as a telecommunicator unless the person:

21 (1) has had at least 40 hours of telecommunicator
22 training as determined by the commission;

23 (2) is at least 18 years of age; ~~and~~

24 (3) holds a high school diploma or high school
25 equivalency certificate; and

26 (4) holds a license to act as a telecommunicator or
27 agrees to obtain the license not later than the first anniversary of

1 the date of employment.

2 (b-1) A person employed to act as a telecommunicator who has
3 not obtained a license to act as a telecommunicator under this
4 chapter may not continue to act as a telecommunicator after the
5 first anniversary of the date of employment unless the person
6 obtains the license.

7 (b-2) Notwithstanding this section, an officer is not
8 required to obtain a telecommunicator license to act as a
9 telecommunicator.

10 SECTION 11. Section 1701.551(a), Occupations Code, is
11 amended to read as follows:

12 (a) A person commits an offense if the person appoints or
13 retains another person as an officer, ~~or~~ county jailer, or
14 telecommunicator in violation of Section 1701.301, 1701.303, ~~or~~
15 1701.306, or 1701.405.

16 SECTION 12. (a) Not later than December 31, 2013, the
17 Commission on Law Enforcement Officer Standards and Education shall
18 adopt rules, standards, and procedures necessary to implement
19 Chapter 1701, Occupations Code, as amended by this Act, and
20 Subsection (b) of this section.

21 (b) Notwithstanding Chapter 1701, Occupations Code, as
22 amended by this Act, a person employed as a certified
23 telecommunicator on January 1, 2014, is exempt from the
24 requirements for an initial telecommunicator license under that
25 chapter, and the Commission on Law Enforcement Officer Standards
26 and Education shall issue a telecommunicator license to the person
27 on receipt of an application showing that the person was employed as

1 a certified telecommunicator on that date.

2 SECTION 13. (a) Except as provided by Subsection (b) of
3 this section, this Act takes effect January 1, 2014.

4 (b) Section 12 of this Act takes effect September 1, 2013.

ADOPTED

MAY 22 2013

FLOOR AMENDMENT NO. 1

Atty Gen
Secretary of the Senate

BY: *Cauna*

1 Amend H.B. No. 1951 (senate committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering the remaining SECTIONS of the bill accordingly:

4 SECTION __. Section 1956.051(3), Occupations Code, is
5 amended to read as follows:

6 (3) "Crafted precious metal" means jewelry,
7 silverware, an art object, or another object, made wholly or
8 partly from precious metal, that is selling at less than 105
9 percent of the scrap value of the object, other than a coin, a
10 bar, or a commemorative medallion[, or scrap or a broken item
11 selling at five percent or more than the scrap value of the
12 item].

13 SECTION __. Section 1956.0613, Occupations Code, is
14 amended to read as follows:

15 Sec. 1956.0613. INVESTIGATION BY COMMISSIONER; INSPECTION
16 OF RECORDS. (a) The commissioner shall:

17 (1) monitor the operations of a dealer to ensure
18 compliance with this subchapter [~~chapter~~]; and

19 (2) receive and investigate complaints against a
20 dealer or a person acting as a dealer.

21 (b) If the commissioner receives a written complaint
22 regarding a violation of this subchapter by a person, or has
23 reasonable cause to believe that a person is violating this
24 subchapter, the commissioner or the commissioner's authorized
25 representative may inspect any record, account, paper, book, or
26 correspondence of the person, regardless of whether the person
27 is registered as a dealer.

28 (c) The commissioner or the commissioner's authorized
29 representative may take statements in an investigation of a

1 matter under this subchapter.

2 SECTION __. Section 1956.063, Occupations Code, is amended
3 by amending Subsections (c) and (d) and adding Subsection (c-1)
4 to read as follows:

5 (c) For each transaction regulated by this subchapter, the
6 dealer shall submit a report on a preprinted and prenumbered
7 form prescribed by the commissioner or in the manner described
8 by Subsection (c-1). The form must include the following:

- 9 (1) the date of the transaction;
- 10 (2) a description of the crafted precious metal
11 purchased by the dealer;
- 12 (3) the name and physical address of the dealer; and
- 13 (4) the name, physical description, and physical
14 address of the seller or transferor.

15 (c-1) A dealer may submit a list required by Section
16 1956.062(b) in satisfaction of the reporting requirement of this
17 section if the list contains the information described by
18 Subsection (c).

19 (d) The dealer shall retain a copy of the report until the
20 later of:

- 21 (1) the second anniversary of the date the dealer
22 sells or otherwise disposes of the crafted precious metal
23 purchased by the dealer; or
- 24 (2) the third anniversary of the date the report is
25 filed.

26 SECTION __. Sections 1956.064(b) and (c), Occupations
27 Code, are amended to read as follows:

28 (b) A peace officer who has reasonable suspicion to
29 believe that an item of crafted precious metal in the possession
30 of a dealer, or in the possession of another person on behalf of
31 the dealer, is stolen may place the item on hold for a period

1 not to exceed 60 days by issuing to the dealer or other person a
2 written notice that:

3 (1) specifically identifies the item alleged to be
4 stolen and subject to the hold; and

5 (2) informs the dealer or other person of the
6 requirements of Subsection (c).

7 (c) On receiving the notice, the dealer or other person
8 may not melt, deface, alter, or dispose of the identified
9 crafted precious metal until the hold is released in writing by
10 a peace officer of this state or a court order.

11 SECTION __. Section 1956.063(d), Occupations Code, as
12 amended by this Act, applies to a report filed under Section
13 1956.063, Occupations Code, on or after the effective date of
14 this Act.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1951 by Thompson, Senfronia (Relating to the licensing and regulation of telecommunicators; providing a criminal penalty.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 1701 of the Occupations Code to include telecommunicators in certain licensing and regulatory requirements currently administered by the Texas Commission on Law Enforcement Standards and Education (TCLEOSE). The bill would require certain public entities who employ telecommunicators to provide their telecommunicators with no less than 20 hours of TCLEOSE approved training every two years. The bill would require individuals currently employed as telecommunicators to obtain a telecommunicator license from TCLEOSE, if they do not already possess such a license, within the first anniversary of their employment as a telecommunicator.

The bill would also amend Chapters 1951 and 1956 of the Occupations Code pertaining to compliance with crafted precious metal provisions included in the bill.

It is assumed the costs and potential revenue associated with implementing the provisions of the bill would be insignificant and could be absorbed within current appropriations. The bill would take effect September 1, 2013.

Local Government Impact

A local government would be required to provide training to a telecommunicator of not less than 20 hours during each 24-month period of employment. Fiscal impact, if any, is not anticipated to be significant.

Source Agencies: 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: UP, RB, SZ, ESi, AI, JAW, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION
Revision 1

May 21, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1951 by Thompson, Senfronia (Relating to the licensing and regulation of telecommunicators; providing a criminal penalty.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to include telecommunicators in certain licensing and regulatory requirements currently administered by the Texas Commission on Law Enforcement Standards and Education (TCLEOSE). The bill would require certain public entities who employ telecommunicators to provide their telecommunicators with no less than 20 hours of TCLEOSE approved training every two years. The bill would require individuals currently employed as telecommunicators to obtain a telecommunicator license from TCLEOSE, if they do not already possess such a license, within the first anniversary of their employment as a telecommunicator. It is assumed the costs and potential revenue associated with implementing the provisions of the bill would be insignificant and could be absorbed within current appropriations. The bill would take effect September 1, 2013.

Local Government Impact

A local government would be required to provide training to a telecommunicator of not less than 20 hours during each 24-month period of employment. Fiscal impact, if any, is not anticipated to be significant.

Source Agencies: 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: UP, RB, SZ, ESi, AI, JAW, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 24, 2013

TO: Honorable Joseph Pickett, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1951 by Thompson, Senfronia (Relating to the licensing and regulation of telecommunicators; providing a criminal penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to include telecommunicators in certain licensing and regulatory requirements currently administered by the Texas Commission on Law Enforcement Standards and Education (TCLEOSE). The bill would require certain public entities who employ telecommunicators to provide their telecommunicators with no less than 20 hours of TCLEOSE approved training every two years. The bill would require individuals currently employed as telecommunicators to obtain a telecommunicator license from TCLEOSE, if they do not already possess such a license, within the first anniversary of their employment as a telecommunicator. It is assumed the costs and potential revenue associated with implementing the provisions of the bill would be insignificant and could be absorbed within current appropriations. The bill would take effect September 1, 2013.

Local Government Impact

A local government would be required to provide training to a telecommunicator of not less than 20 hours during each 24-month period of employment. Fiscal impact, if any, is not anticipated to be significant.

Source Agencies: 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: UP, ESi, AI, JAW, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 2, 2013

TO: Honorable Joseph Pickett, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1951 by Thompson, Senfronia (Relating to the licensing and regulation of telecommunicators; providing a criminal penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to include telecommunicators in certain licensing and regulatory requirements currently administered by the Texas Commission on Law Enforcement Standards and Education (TCLEOSE). The bill would require certain public entities who employ telecommunicators to provide their telecommunicators with no less than 40 hours of TCLEOSE approved training every two years. The bill would require individuals currently employed as telecommunicators to obtain a telecommunicator license from TCLEOSE, if they do not already possess such a license, within the first anniversary of their employment as a telecommunicator. It is assumed the costs and potential revenue associated with implementing the provisions of the bill would be insignificant and could be absorbed within current appropriations. The bill would take effect September 1, 2013.

Local Government Impact

A local government would be required to provide training to a telecommunicator of not less than 40 hours during each 24-month period of employment. Fiscal impact, if any, is not anticipated to be significant.

Source Agencies: 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: UP, ESi, AI, JAW, KKR