

House Bill 1951
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

- (1) adopt rules for the administration of this chapter and for the commission's internal management and control;
- (2) establish minimum standards relating to competence and reliability, including education, training, physical, mental, and moral standards, for licensing as an officer, county jailer, ~~[or]~~ public security officer, or ~~[employment as a]~~ telecommunicator;
- (3) report to the governor and legislature on the commission's activities, with recommendations on matters under the commission's jurisdiction, and make other reports that the commission considers desirable;
- (4) require a state agency or a county, special district, or municipality in this state that employs officers, telecommunicators, or county jailers to submit reports and information;
- (5) contract as the commission considers necessary for services, facilities, studies, and reports required for:
 - (A) cooperation with municipal, county, special district, state, and federal law enforcement agencies in training programs; and
 - (B) performance of the commission's other functions; and
- (6) conduct research and stimulate research by public and private agencies to improve law enforcement and police administration.

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

- (a) The commission shall establish and maintain training

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

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programs for officers, ~~and~~ county jailers, and telecommunicators. The training shall be conducted by the commission staff or by other agencies and institutions the commission considers appropriate.

(c) The commission may:

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

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

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

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

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

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

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

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SECTION 3. Same as House version.

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

- (1) new criminal history record information; and
- (2) two completed fingerprint cards.

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

Sec. 1701.307. ISSUANCE OF OFFICER OR COUNTY JAILER LICENSE.

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

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

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

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

SECTION 5. Same as House version.

SECTION 6. Same as House version.

SECTION 7. Same as House version.

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Sec. 1701.3071. ISSUANCE OF TELECOMMUNICATOR LICENSE.

(a) The commission shall issue a telecommunicator license to a person who:

(1) submits an application;

(2) completes the required training;

(3) passes the required examination; and

(4) meets any other requirement of this chapter and the rules prescribed by the commission to qualify as a telecommunicator.

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

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

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

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

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

SECTION 8. Same as House version.

SECTION 9. Same as House version.

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

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

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

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

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

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

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

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

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

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

No equivalent provision.

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SECTION 10. Same as House version.

SECTION 11. Same as House version.

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

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(3) "Crafted precious metal" means jewelry, silverware, an art object, or another object, made wholly or partly from precious metal, that is selling at less than 105 percent of the scrap value of the object, other than a coin, a bar, or a commemorative medallion~~[, or scrap or a broken item selling at five percent or more than the scrap value of the item]~~. [FA1]

No equivalent provision.

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

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

- (1) monitor the operations of a dealer to ensure compliance with this subchapter ~~[chapter]~~; and
- (2) receive and investigate complaints against a dealer or a person acting as a dealer.

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

(c) The commissioner or the commissioner's authorized representative may take statements in an investigation of a matter under this subchapter. [FA1]

No equivalent provision.

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

(c) For each transaction regulated by this subchapter, the dealer shall submit a report on a preprinted and prenumbered form prescribed by the commissioner or in the manner

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described by Subsection (c-1). The form must include the following:

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

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

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

- (1) the second anniversary of the date the dealer sells or otherwise disposes of the crafted precious metal purchased by the dealer; or
- (2) the third anniversary of the date the report is filed. [FA1]

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

(b) A peace officer who has reasonable suspicion to believe that an item of crafted precious metal in the possession of a dealer, or in the possession of another person on behalf of the dealer, is stolen may place the item on hold for a period not to exceed 60 days by issuing to the dealer or other person a written notice that:

- (1) specifically identifies the item alleged to be stolen and subject to the hold; and
- (2) informs the dealer or other person of the requirements of Subsection (c).

(c) On receiving the notice, the dealer or other person may

No equivalent provision.

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No equivalent provision.

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

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

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

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

not melt, deface, alter, or dispose of the identified crafted precious metal until the hold is released in writing by a peace officer of this state or a court order. [FA1]

SECTION __. Section 1956.063(d), Occupations Code, as amended by this Act, applies to a report filed under Section 1956.063, Occupations Code, on or after the effective date of this Act. [FA1]

SECTION 12. Same as House version.

SECTION 13. Same as House version.