

BILL ANALYSIS

C.S.H.B. 1855
By: Rose
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that while the training for correctional officers includes weapons proficiency and other basic law enforcement principles, it fails to address methods for safely and effectively interacting with individuals who have mental health disorders. According to recent national studies, over half of Texas offenders have a mental health disorder and the parties believe that such a circumstance demands further training for correctional staff to ensure the safety of correctional officers and inmates alike. The parties also see a need to codify the requirement for continuing demonstration of weapons proficiency by correctional officers. C.S.H.B. 1855 seeks to address these issues by subjecting correctional officers to related continuing education programs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Criminal Justice in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1855 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to require each correctional officer employed by TDCJ to complete not less than 280 hours of training during the correctional officer's first 24 months of service, including mental health crisis intervention training and 140 hours of on-the-job training. The bill requires TDCJ to develop the mental health crisis intervention training in consultation with the Texas Commission on Law Enforcement. The bill requires TDCJ to indicate in the correctional officer's personnel file that the officer has completed the training and establishes that a correctional officer is not required to complete training if the officer's personnel file indicates that the officer has completed such training during a previous period of employment as a correctional officer during the preceding 36 months. The bill requires TDCJ to require each correctional officer employed by TDCJ to complete at least 80 hours of continuing education programs once every 24 months. The bill requires a correctional officer, as part of the continuing education requirement, to complete a training and education program that covers the core requirements designated by TDCJ. The bill requires TDCJ to develop specialized training for correctional officers that may be credited toward continuing education requirements. The bill authorizes TDCJ to suspend or otherwise discipline a correctional officer who fails to comply with the training and continuing education requirements prescribed by the bill.

C.S.H.B. 1855 requires TDCJ, not later than January 1, 2016, to provide by rule temporary exceptions to the training and continuing education requirements for a correctional officer who

cannot meet such requirements due to a medical emergency involving the officer or a member of the officer's family, the officer's active military service, or the officer's unit or facility being unable to provide training in a timely manner due to severe weather or a catastrophic event. The bill requires an exception created by TDCJ to ensure compliance with the training or continuing education requirements as soon as practicable after the applicable 24-month period.

C.S.H.B. 1855 requires TDCJ to designate one or more firearms proficiency officers and to require each correctional officer employed by TDCJ to demonstrate weapons proficiency to a firearms proficiency officer at least annually. The bill requires TDCJ to maintain records of the weapons proficiency of correctional officers. The bill requires TDCJ, not later than January 1, 2016, to define by rule weapons proficiency for purposes of the requirement for correctional officers to demonstrate continuing weapons proficiency.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1855 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 493, Government Code, is amended by adding Sections 493.032, 493.033, and 493.034 to read as follows:

Sec. 493.032. REQUIRED TRAINING FOR CORRECTIONAL OFFICERS. (a) The department shall require each correctional officer employed by the department to complete, during the correctional officer's first 24 months of service, not less than 280 hours of training, including:

- (1) 140 hours of on-the-job training; and
- (2) mental health crisis intervention training.

(b) The department by rule shall provide temporary exceptions to the requirements of this section for a correctional officer who cannot complete training within the 24-month period required by Subsection (a) due to:

- (1) a medical emergency involving the officer or a member of the officer's family;
- (2) the officer's active military service for a period less than the period described by

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 493, Government Code, is amended by adding Sections 493.032, 493.033, and 493.034 to read as follows:

Sec. 493.032. REQUIRED TRAINING FOR CORRECTIONAL OFFICERS. (a) The department shall require each correctional officer employed by the department to complete, during the correctional officer's first 24 months of service, not less than 280 hours of training, including:

- (1) 140 hours of on-the-job training; and
- (2) mental health crisis intervention training.

(b) The department, in consultation with the Texas Commission on Law Enforcement, shall develop mental health crisis intervention training to be part of the training required by Subsection (a)(2).

(c) The department by rule shall provide temporary exceptions to the requirements of this section for a correctional officer who cannot complete the training required by Subsection (a) due to:

- (1) a medical emergency involving the officer or a member of the officer's family;
- (2) the officer's active military service; or

Subsection (d); or

(3) the officer's unit or facility being unable to provide training in a timely manner due to severe weather or a catastrophic event.

(c) An exception created by the department under Subsection (b) must ensure compliance with the training requirements of this section as soon as practicable after the 24-month period required by Subsection (a).

(d) A correctional officer is not required to complete training within the 24-month period required by Subsection (a) if during that period the correctional officer serves on active duty as a member of the United States military for at least 12 months, provided that the correctional officer:

(1) may not be awarded credit for training not completed during that period; and

(2) completes the required training as soon as practicable after the 24-month period required by Subsection (a).

(e) Subsection (d) does not affect any requirement to demonstrate continuing weapons proficiency under Section 493.034.

(f) The department shall indicate in the correctional officer's personnel file that the officer has completed the training required by this section.

(g) A correctional officer is not required to complete training under this section if the officer's personnel file indicates that the officer has completed the training required by this section during a previous period of employment as a correctional officer.

(h) The department may suspend or otherwise discipline a correctional officer who fails to comply with the requirements of this section.

Sec. 493.033. CONTINUING EDUCATION REQUIRED FOR CORRECTIONAL OFFICERS. (a) The department shall require each correctional officer employed by the department to complete at least 80 hours of continuing education programs once every 24 months. The department may suspend or otherwise discipline a correctional officer who fails to comply with this requirement.

(b) As part of the continuing education requirement under Subsection (a), a correctional officer must complete a training

(3) the officer's unit or facility being unable to provide training in a timely manner due to severe weather or a catastrophic event.

(d) An exception created by the department under Subsection (c) must ensure compliance with the training requirements of this section as soon as practicable after the period required by this section.

(e) The department shall indicate in the correctional officer's personnel file that the officer has completed the training required by this section.

(f) A correctional officer is not required to complete training under this section if the officer's personnel file indicates that the officer has completed the training required by this section during a previous period of employment as a correctional officer during the preceding 36 months.

(g) The department may suspend or otherwise discipline a correctional officer who fails to comply with the requirements of this section.

Sec. 493.033. CONTINUING EDUCATION REQUIRED FOR CORRECTIONAL OFFICERS. (a) The department shall require each correctional officer employed by the department to complete at least 80 hours of continuing education programs once every 24 months. The department may suspend or otherwise discipline a correctional officer who fails to comply with this requirement.

(b) As part of the continuing education requirement under Subsection (a), a correctional officer must complete a training

and education program that covers 40 hours of core requirements designated by the department.

(c) The department shall develop specialized training for correctional officers that may be credited toward continuing education requirements.

(d) The department by rule shall provide temporary exceptions to the continuing education requirements of this section for a correctional officer who cannot meet the continuing education requirements of this section due to:

(1) a medical emergency involving the officer or a member of the officer's family;

(2) the officer's active military service for a period less than the period described by Subsection (f); or

(3) the officer's unit or facility being unable to provide training in a timely manner due to severe weather or a catastrophic event.

(e) An exception created by the department under Subsection (d) must ensure compliance with the continuing education requirements of this section as soon as practicable after the period required by this section.

(f) The department shall credit a correctional officer with meeting the continuing education requirements of this section if during the relevant 24-month period the correctional officer serves on active duty as a member of the United States military for at least 12 months. Credit for continuing education under this subsection does not affect any requirement to demonstrate continuing weapons proficiency under Section 493.034.

(g) The department shall credit toward the continuing education requirements of this section training approved by the Texas Commission on Law Enforcement.

(h) A correctional officer is not required to complete continuing education under this section during the period in which the officer is completing training under Section 493.032.

Sec. 493.034. CONTINUING DEMONSTRATION OF WEAPONS PROFICIENCY. (a) The department shall designate one or more firearms proficiency officers and require each correctional officer employed by the department to demonstrate

and education program that covers the core requirements designated by the department.

(c) The department shall develop specialized training for correctional officers that may be credited toward continuing education requirements.

(d) The department by rule shall provide temporary exceptions to the continuing education requirements of this section for a correctional officer who cannot meet the continuing education requirements of this section due to:

(1) a medical emergency involving the officer or a member of the officer's family;

(2) the officer's active military service; or

(3) the officer's unit or facility being unable to provide training in a timely manner due to severe weather or a catastrophic event.

(e) An exception created by the department under Subsection (d) must ensure compliance with the continuing education requirements of this section as soon as practicable after the period required by this section.

Sec. 493.034. CONTINUING DEMONSTRATION OF WEAPONS PROFICIENCY. (a) The department shall designate one or more firearms proficiency officers and require each correctional officer employed by the department to demonstrate

weapons proficiency to a firearms proficiency officer at least annually. The department shall maintain records of the weapons proficiency of correctional officers.

(b) On request, the department may waive the requirement that a correctional officer demonstrate weapons proficiency on a determination by the department that the requirement causes a hardship.

(c) The department by rule shall define weapons proficiency for purposes of this section.

SECTION 2. Not later than January 1, 2016, the Texas Department of Criminal Justice shall adopt rules as required by Sections 493.032, 493.033, and 493.034, Government Code, as added by this Act.

SECTION 3. (a) Section 493.032, Government Code, as added by this Act, applies only to a correctional officer hired by the Texas Department of Criminal Justice on or after the effective date of this Act. A correctional officer hired before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Sections 493.033 and 493.034, Government Code, as added by this Act, apply to a correctional officer employed by the Texas Department of Criminal Justice on or after the effective date of this Act, regardless of whether the officer is hired before, on, or after that date.

SECTION 4. This Act takes effect September 1, 2015.

weapons proficiency to a firearms proficiency officer at least annually. The department shall maintain records of the weapons proficiency of correctional officers.

(b) The department by rule shall define weapons proficiency for purposes of this section.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.