

By: Johnson of Harris

H.B. No. 603

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the adoption of a physical fitness test by the Texas
3 Commission on Law Enforcement.

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

5 SECTION 1. Section 1701.306, Occupations Code, is amended
6 by amending Subsections (a), (b), and (d) and adding Subsection
7 (a-1) to read as follows:

8 (a) The commission may not issue a license to a person
9 unless the person is examined by:

10 (1) a licensed psychologist or by a psychiatrist who
11 declares in writing that the person is in satisfactory
12 psychological and emotional health to serve as the type of officer
13 for which a license is sought; ~~and~~

14 (2) a licensed physician who declares in writing that
15 the person does not show any trace of drug dependency or illegal
16 drug use after a blood test or other medical test; and

17 (3) a fitness examiner who declares in writing that
18 the person has successfully passed the physical fitness test
19 adopted by the commission under Subsection (a-1).

20 (a-1) The commission shall adopt a physical fitness test
21 that has standards that are equivalent to the physical fitness
22 standards adopted by the Department of Public Safety under Section
23 614.172, Government Code.

24 (b) An agency hiring a person for whom a license is sought

1 shall select the examining physician, ~~and~~ the examining
2 psychologist or psychiatrist, and the fitness examiner. The agency
3 shall prepare a report of each declaration required by Subsection
4 (a) and shall maintain a copy of the report on file in a format
5 readily accessible to the commission. A declaration is not public
6 information.

7 (d) The commission may order an applicant to submit to an
8 examination described by Subsection (a) by a psychologist,
9 psychiatrist, ~~or~~ physician, or fitness examiner appointed by the
10 commission if the commission:

11 (1) has cause to believe that a law enforcement agency
12 failed to follow commission rules relating to an examination; or

13 (2) discovers that the applicant has submitted a false
14 declaration.

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

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

19 (1) submits an application;

20 (2) completes the required training;

21 (3) passes the required examination;

22 (4) is declared to:

23 (A) be in satisfactory psychological and
24 emotional health and free from drug dependency or illegal drug use;
25 and

26 (B) have passed the physical fitness test adopted
27 by the commission under Section 1701.306(a-1); and

1 (5) demonstrates weapons proficiency.

2 SECTION 3. The heading of Subchapter H, Chapter 1701,
3 Occupations Code, is amended to read as follows:

4 SUBCHAPTER H. CONTINUING EDUCATION, REGULAR TESTING OF PHYSICAL
5 FITNESS, AND YEARLY WEAPONS PROFICIENCY

6 SECTION 4. Subchapter H, Chapter 1701, Occupations Code, is
7 amended by adding Section 1701.3555 to read as follows:

8 Sec. 1701.3555. REGULAR TESTING OF PHYSICAL FITNESS. (a)

9 Each peace officer shall take the physical fitness test adopted by
10 the commission under Section 1701.306(a-1) in the manner and at
11 intervals prescribed by rules adopted by the commission.

12 (b) The commission by rule shall:

13 (1) provide for waiver of the requirements of this
14 section for an individual peace officer based on the facts and
15 circumstances of the individual case, including whether an officer
16 was injured in the line of duty; and

17 (2) adopt procedures to ensure timely and accurate
18 reporting by agencies and persons licensed under this chapter of
19 the results of a physical fitness test taken under this section.

20 (c) The commission shall suspend the license of a peace
21 officer who fails to comply with this section.

22 SECTION 5. (a) Not later than December 1, 2017, the Texas
23 Commission on Law Enforcement shall adopt rules necessary to
24 implement the changes in law made by this Act.

25 (b) Section 1701.306, Occupations Code, as amended by this
26 Act, applies only to an application for a license submitted to the
27 Texas Commission on Law Enforcement on or after the effective date

1 of this Act. An application submitted before the effective date of
2 this Act is governed by the law in effect on the date the
3 application was submitted, and the former law is continued in
4 effect for that purpose.

5 (c) A person who holds a license as a peace officer issued
6 before the effective date of this Act may continue to renew that
7 license without complying with Section 1701.3555, Occupations
8 Code, as added by this Act.

9 SECTION 6. This Act takes effect September 1, 2017.