

By: Coleman

H.B. No. 4172

A BILL TO BE ENTITLED

AN ACT

1
2 relating to training for law enforcement officers and officials;
3 authorizing a fee.

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

5 SECTION 1. Section 1701.253, Occupations Code, is amended
6 by amending Subsections (c), (h), and (j) and adding Subsection (n)
7 to read as follows:

8 (c) As part of the minimum curriculum requirements, the
9 commission shall establish a statewide comprehensive education and
10 training program on civil rights, racial sensitivity, implicit
11 bias, and cultural diversity for persons licensed under this
12 chapter.

13 (h) As part of the minimum curriculum requirements, the
14 commission shall establish a statewide comprehensive education and
15 training program on racial profiling for officers licensed under
16 this chapter. An officer shall complete a program established
17 under this subsection not later than the first [~~second~~] anniversary
18 of the date the officer is licensed under this chapter or the date
19 the officer applies for an intermediate proficiency certificate,
20 whichever date is earlier.

21 (j) As part of the minimum curriculum requirements, the
22 commission shall require an officer to complete a 40-hour statewide
23 education and training program on de-escalation and crisis
24 intervention techniques to facilitate interaction with persons

1 with mental impairments. An officer shall complete the program not
2 later than the first [~~second~~] anniversary of the date the officer is
3 licensed under this chapter or the date the officer applies for an
4 intermediate proficiency certificate, whichever date is earlier.
5 An officer may not satisfy the requirements of this subsection
6 [~~section~~] or Section 1701.402(g) by taking an online course on
7 de-escalation and crisis intervention techniques to facilitate
8 interaction with persons with mental impairments.

9 (n) As part of the minimum curriculum requirements, the
10 commission shall require an officer to complete a statewide
11 education and training program on de-escalation techniques to
12 facilitate interaction with members of the public, including
13 techniques for limiting the use of force. An officer shall complete
14 the program not later than the first anniversary of the date the
15 officer is licensed under this chapter or the date the officer
16 applies for an intermediate proficiency certificate, whichever
17 date is earlier. An officer may not satisfy the requirements of
18 this subsection or Section 1701.402(n) by taking an online course.

19 SECTION 2. Section 1701.310, Occupations Code, is amended
20 by adding Subsections (f) to read as follows:

21 (f) A person assigned by the sheriff to the chief command
22 position overseeing a county jail shall within 90 days of being
23 assigned to the chief command position overseeing a county jail
24 pass the chief command position exam.

25 (1) If a person assigned to the chief command position
26 overseeing a county jail fails the chief command position exam they
27 shall be immediately removed, and be unable to be reinstated until

1 they pass the chief command position exam.

2 (2) A person who fails the chief command position exam
3 must wait a minimum of 90 days to retake the exam.

4 (3) The Sheriff of the County in which the jail is
5 located shall hold the chief command position until a new person is
6 appointed, or the person originally assigned has passed the chief
7 command position exam.

8 SECTION 3. Section 1701.352, Occupations Code, is amended
9 by amending Subsections (b) and (e) and adding Subsection (j) to
10 read as follows:

11 (b) The commission shall require a state, county, special
12 district, or municipal agency that appoints or employs peace
13 officers to provide each peace officer with a training program at
14 least once every 48 months that is approved by the commission and
15 consists of:

16 (1) topics selected by the agency; and

17 (2) for an officer holding only a basic proficiency
18 certificate, not more than 20 hours of education and training that
19 contain curricula incorporating the learning objectives developed
20 by the commission regarding:

21 (A) civil rights, racial sensitivity, implicit
22 bias, and cultural diversity;

23 (B) de-escalation and crisis intervention
24 techniques to facilitate interaction with persons with mental
25 impairments; [~~and~~]

26 (C) de-escalation techniques to facilitate
27 interaction with members of the public, including techniques for

1 limiting the use of force; and

2 (D) unless determined by the agency head to be
3 inconsistent with the officer's assigned duties:

4 (i) the recognition and documentation of
5 cases that involve child abuse or neglect, family violence, and
6 sexual assault; and

7 (ii) issues concerning sex offender
8 characteristics.

9 (e) The commission may require a state, county, special
10 district, or municipal agency that appoints or employs a reserve
11 law enforcement officer, county jailer, or public security officer
12 to provide each of those persons with education and training in
13 civil rights, racial sensitivity, implicit bias, and cultural
14 diversity at least once every 48 months.

15 (j) The education and training program on de-escalation
16 techniques to facilitate interaction with members of the public
17 under Subsection (b)(2)(C) may not be provided as an online course.

18 SECTION 4. Section [1701.402](#), Occupations Code, is amended
19 by amending Subsection (i) and adding Subsection (n) to read as
20 follows:

21 (i) As a requirement for an intermediate proficiency
22 certificate, an officer must complete an education and training
23 program on civil rights, racial sensitivity, implicit bias, and
24 cultural diversity established by the commission under Section
25 [1701.253\(c\)](#).

26 (n) As a requirement for an intermediate proficiency
27 certificate or an advanced proficiency certificate, an officer must

1 complete the education and training program regarding
2 de-escalation techniques to facilitate interaction with members of
3 the public established by the commission under Section 1701.253(n).

4 SECTION 5. Section 1701.310, Occupations Code, is amended
5 by amending Subsections (a) to read as follows:

6 Sec. 1701.310. APPOINTMENT OF COUNTY JAILER; TRAINING
7 REQUIRED. (a) Except as provided by Subsection (e), a person may
8 not be appointed as a county jailer, except on a temporary basis,
9 unless the person has satisfactorily completed a preparatory
10 training program which includes 24 hours of training to facilitate
11 interaction with persons with mental impairments, as required by
12 the commission, in the operation of a county jail at a school
13 operated or licensed by the commission.

14 SECTION 6. Chapter 511, Government Code, is amended by
15 adding Section 511.00905 to read as follows:

16 Sec. 511.00905. CHIEF COMMAND POSITION; EXAMINATION
17 REQUIRED. (a) The commission shall approve an examination for a
18 person assigned to the chief command position overseeing a county
19 jail.

20 (b) The commission shall adopt rules requiring a person,
21 other than a sheriff, assigned to the chief command position
22 overseeing a county jail to pass the examination not later than the
23 90th day after the date the person is assigned to that position.

24 The rules must provide that a person who fails the examination:

25 (1) shall be immediately removed from the position and
26 may not be reinstated until the person passes the examination; and

27 (2) may not retake the examination before the 91st day

1 after the date of the failed examination.

2 (c) The sheriff of a county shall perform the duties of the
3 chief command position at any time there is not a person available
4 who satisfies the examination requirements of this section.

5 (d) The commission shall provide for the examination to be
6 available at testing centers throughout this state. If the
7 commission contracts with a testing service to administer and grade
8 the examination, the contract shall authorize the service to
9 collect a reasonable fee not to exceed \$50 from each examinee.

10 SECTION 7. Section 1701.310, Occupations Code, is amended
11 by adding Subsection (a-1) to read as follows:

12 (a-1) A person other than a sheriff may not serve in the
13 chief command position of a county jail unless the person satisfies
14 the examination requirement of Section 511.00905, Government Code.

15 SECTION 8. Not later than January 1, 2018, the Sam Houston
16 State University College of Criminal Justice shall develop and the
17 Commission on Jail Standards shall approve the examination required
18 by Section 511.00905, Government Code, as added by this Act.

19 SECTION 9. Section 1701.310(a-1), Occupations Code, as
20 added by this Act, takes effect January 1, 2018.

21 SECTION 10. Not later than January 1, 2018, the Texas
22 Commission on Law Enforcement shall establish or modify training
23 programs as necessary to comply with Section 1701.253, Occupations
24 Code, as amended by this article.

25 SECTION 11. Except as otherwise provided by this Act, this
26 Act takes effect September 1, 2017.