87R1576 JCG-D

By:  Sherman, Sr. H.B. No. 1643

A BILL TO BE ENTITLED

AN ACT

relating to continuing education for and regular implicit bias testing of peace officers.

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

SECTION 1.  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;

(5)  completes implicit bias testing; and

(6) [~~(5)~~]  demonstrates weapons proficiency.

SECTION 2.  Subchapter G, Chapter 1701, Occupations Code, is amended by adding Section 1701.3085 to read as follows:

Sec. 1701.3085.  IMPLICIT BIAS TESTING. (a) The commission shall require a person applying for a peace officer license to complete implicit bias testing.

(b)  An agency hiring a person for whom a peace officer license is sought shall report the test results to the commission and maintain a copy of the test results in the person's personnel file.

(c)  The test results are confidential and not subject to disclosure under Chapter 552, Government Code.

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

SUBCHAPTER H. CONTINUING EDUCATION, REGULAR IMPLICIT BIAS TESTING, AND YEARLY WEAPONS PROFICIENCY

SECTION 4.  Section 1701.352(b), Occupations Code, is amended to read as follows:

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

(1)  at least once every 48 months an agency shall provide a training program that consists of:

(A)  topics selected by the agency; and

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

(i) [~~(A)  civil rights, racial sensitivity, and cultural diversity;~~

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

[~~(C)~~]  de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(ii) [~~(D)~~]  unless determined by the agency head to be inconsistent with the officer's assigned duties:

(a) [~~(i)~~]  the recognition, documentation, and investigation of cases that involve child abuse or neglect, family violence, and sexual assault, including the use of best practices and trauma-informed techniques to effectively recognize, document, and investigate those cases; and

(b) [~~(ii)~~]  issues concerning sex offender characteristics; and

(2)  at least once every 12 months an agency shall provide a training program that consists of the following topics:

(A)  civil rights, racial sensitivity, and cultural diversity;

(B)  de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments;

(C)  ethics and professionalism; and

(D)  implicit bias.

SECTION 5.  Subchapter H, Chapter 1701, Occupations Code, is amended by adding Section 1701.3555 to read as follows:

Sec. 1701.3555.  REGULAR IMPLICIT BIAS TESTING. (a) The commission shall require an agency that employs one or more peace officers to conduct implicit bias testing on each peace officer the agency employs at least once every five years.

(b)  The agency shall report the test results to the commission and maintain a copy of the test results in the officer's personnel file.

(c)  The test results are confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 6.  Not later than January 1, 2022, the Texas Commission on Law Enforcement shall:

(1)  approve training programs as required by Section 1701.352(b), Occupations Code, as amended by this Act; and

(2)  adopt rules necessary to implement the changes in law made by this Act.

SECTION 7.  Section 1701.307(a), Occupations Code, as amended by this Act, and Section 1701.3085, Occupations Code, as added by this Act, apply only to a person who submits an application for a peace officer license under Chapter 1701, Occupations Code, on or after January 1, 2022. A person who submits an application for a peace officer license under Chapter 1701, Occupations Code, before January 1, 2022, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 8.  This Act takes effect September 1, 2021.