

By: Collier

H.B. No. 312

A BILL TO BE ENTITLED

AN ACT

relating to training for peace officers regarding implicit bias.

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

SECTION 1. Section 1701.253, Occupations Code, is amended by adding Subsection (q) to read as follows:

(q) As part of the minimum curriculum requirements, the commission shall require an officer to complete the training program on implicit bias developed under Section 1701.269. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.

SECTION 2. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.269 to read as follows:

Sec. 1701.269. IMPLICIT BIAS TRAINING PROGRAM. (a) In this section:

(1) "Board" means the State Board of Education.

(2) "Implicit bias" means bias in an individual's thoughts and feelings about social groups that:

(A) can influence the individual's perceptions, decisions, and actions; and

(B) often operate outside the individual's conscious awareness and without intent.

(b) The commission and the board shall:

1 (1) collaborate to develop a training program on
2 recognizing and addressing implicit bias and testing materials for
3 the program; and

4 (2) enter into a memorandum of understanding that
5 establishes each agency's respective responsibilities in
6 developing the training program and testing materials.

7 (c) The training program must:

8 (1) consist of at least four hours of classroom
9 instruction;

10 (2) critically examine common stereotypes and
11 cultural assumptions often held by communities and the officers who
12 serve those communities;

13 (3) examine a training program participant's
14 perception of other individuals, other individuals' perception of
15 the participant, and the impact those perceptions have on officer
16 effectiveness and safety;

17 (4) facilitate the observation and exploration of
18 cultural differences to increase a participant's:

19 (A) awareness of the effect cultural differences
20 have on attitudes and behaviors; and

21 (B) appreciation for the commonalities that
22 exist across diverse cultures;

23 (5) examine the direct effect diversity skills have on
24 law enforcement activities, including hate crime investigations;
25 and

26 (6) teach usable skills for serving a diverse
27 community.

1 (d) In developing the training program, the commission and
2 the board may consult with any interested party, including a
3 volunteer work group convened to make recommendations regarding the
4 training program.

5 (e) The commission and the board shall provide a reasonable
6 period for public comment before finalizing the training program.

7 SECTION 3. Section 1701.352(b), Occupations Code, is
8 amended to read as follows:

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

14 (1) topics selected by the agency; and

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

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

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

24 (C) de-escalation techniques to facilitate
25 interaction with members of the public, including techniques:

26 (i) for limiting the use of force resulting
27 in bodily injury; and

1 (ii) to recognize and address implicit bias
2 as defined by Section 1701.269; and

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

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

10 (ii) issues concerning sex offender
11 characteristics.

12 SECTION 4. As soon as practicable after the effective date
13 of this Act:

14 (1) the Texas Commission on Law Enforcement and the
15 State Board of Education shall enter into the memorandum of
16 understanding required by Section 1701.269(b), Occupations Code,
17 as added by this Act; and

18 (2) the Texas Commission on Law Enforcement shall
19 adopt the rules necessary to implement Section 1701.253(q),
20 Occupations Code, as added by this Act, and Section 1701.352(b),
21 Occupations Code, as amended by this Act.

22 SECTION 5. Not later than January 1, 2022, the Texas
23 Commission on Law Enforcement and the Texas State Board of
24 Education shall develop the training program and testing materials
25 required by Section 1701.269, Occupations Code, as added by this
26 Act.

27 SECTION 6. Section 1701.253(q), Occupations Code, as added

1 by this Act, applies only to a person who submits an application for
2 a peace officer license under Chapter 1701, Occupations Code, on or
3 after January 1, 2022. A person who submits an application for a
4 peace officer license under Chapter 1701, Occupations Code, before
5 January 1, 2022, is governed by the law in effect immediately before
6 the effective date of this Act, and the former law is continued in
7 effect for that purpose.

8 SECTION 7. This Act takes effect September 1, 2021.