

By: Thompson of Brazoria, White, et al.

H.B. No. 3712

Substitute the following for H.B. No. 3712:

By: White

C.S.H.B. No. 3712

A BILL TO BE ENTITLED

AN ACT

relating to the hiring and training of and policies for peace officers.

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

SECTION 1. The heading to Subchapter F, Chapter 1701, Occupations Code, is amended to read as follows:

SUBCHAPTER F. TRAINING PROGRAMS, ~~[AND]~~ SCHOOLS, AND POLICIES

SECTION 2. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.2551 to read as follows:

Sec. 1701.2551. BASIC PEACE OFFICER TRAINING COURSE. (a) The basic peace officer training course required as part of a peace officer training program under Section 1701.251(a) may be no less than 720 hours.

(b) The basic peace officer training course must include training on:

(1) the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint by a peace officer in searching or arresting a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another person;

(2) the duty of a peace officer acting in an official capacity to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if

1 the scene is secure and the amount of force exceeds that which the
2 officer reasonably believes is necessary under the circumstances;
3 and

4 (3) the duty of a peace officer acting in an official
5 capacity to render aid to a person who has suffered serious bodily
6 injury from the use of force, unless the officer reasonably
7 believes the provision of aid is likely to cause serious bodily
8 injury to or the death of the peace officer or another person.

9 SECTION 3. Subchapter F, Chapter 1701, Occupations Code, is
10 amended by adding Sections 1701.269 and 1701.270 to read as
11 follows:

12 Sec. 1701.269. TRAINING PROGRAM AND POLICIES FOR PEACE
13 OFFICERS. (a) The commission, in consultation with the Bill
14 Blackwood Law Enforcement Management Institute of Texas and other
15 interested parties chosen by the commission, shall develop and
16 maintain a model training curriculum and model policies for law
17 enforcement agencies and peace officers.

18 (b) The model training curriculum and model policies
19 developed under Subsection (a) must include:

20 (1) curriculum and policies for field training
21 programs;

22 (2) curriculum and policies for banning the use of a
23 choke hold, carotid artery hold, or similar neck restraint by a
24 peace officer in searching or arresting a person, unless the
25 officer reasonably believes the restraint is necessary to prevent
26 serious bodily injury to or the death of the peace officer or
27 another person;

1 (3) curriculum and policies regarding the duty of a
2 peace officer acting in an official capacity to intervene to stop or
3 prevent another peace officer from using force against a person
4 suspected of committing an offense if the scene is secure and the
5 amount of force exceeds that which the officer reasonably believes
6 is necessary under the circumstances;

7 (4) curriculum and policies regarding the duty of a
8 peace officer acting in an official capacity to render aid to a
9 person who has suffered serious bodily injury from the use of force,
10 unless the officer reasonably believes the provision of aid is
11 likely to cause serious bodily injury to or the death of the peace
12 officer or another person; and

13 (5) curriculum and policies on the use of deadly force
14 by peace officers.

15 Sec. 1701.270. REQUIRED POLICIES FOR LAW ENFORCEMENT
16 AGENCIES. Not later than the 180th day after the date the
17 commission provides the model policies described by Section
18 1701.269(b), each law enforcement agency in this state shall adopt
19 a policy on the topics described by that subsection. A law
20 enforcement agency may adopt the model policies developed by the
21 commission under that subsection.

22 SECTION 4. Section [1701.351](#), Occupations Code, is amended
23 by adding Subsection (a-2) to read as follows:

24 (a-2) Before the first day of each 24-month training unit
25 during which peace officers are required to complete 40 hours of
26 continuing education programs under Subsection (a), the commission
27 shall specify the mandated topics to be covered in up to 16 of the

1 required hours.

2 SECTION 5. Subchapter J, Chapter 1701, Occupations Code, is
3 amended by adding Section 1701.459 to read as follows:

4 Sec. 1701.459. MODEL POLICY ON PREEMPLOYMENT
5 INVESTIGATIONS. The commission, in consultation with the Bill
6 Blackwood Law Enforcement Management Institute of Texas and other
7 interested parties chosen by the commission, shall develop and make
8 available to all law enforcement agencies in this state a model
9 policy for the preemployment investigation of a peace officer
10 licensed under this chapter. The model policy must incorporate:

11 (1) the duties and responsibilities of a law
12 enforcement agency or governmental entity under Section 1701.303;

13 (2) the request, analysis, and use of any employment
14 termination report or criminal background check information
15 obtained under Section 1701.451; and

16 (3) any other information the commission considers
17 necessary to conduct a preemployment investigation of a person.

18 SECTION 6. (a) Not later than January 1, 2022, the Texas
19 Commission on Law Enforcement shall modify the curriculum of the
20 basic peace officer training course as necessary to comply with
21 Section 1701.2551, Occupations Code, as added by this Act.

22 (b) The minimum hour and content requirements for the basic
23 peace officer training course under Section 1701.2551, Occupations
24 Code, as added by this Act, apply only to a person who first begins
25 the course on or after July 1, 2022.

26 SECTION 7. Not later than January 1, 2022, the Texas
27 Commission on Law Enforcement shall develop and make available the

1 model training curriculum and model policies required by Section
2 1701.269, Occupations Code, as added by this Act.

3 SECTION 8. Section 1701.351(a-2), Occupations Code, as
4 added by this Act, applies only to a training unit that begins on or
5 after the effective date of this Act.

6 SECTION 9. The Texas Commission on Law Enforcement is
7 required to implement a provision of this Act only if the
8 legislature appropriates money specifically for that purpose. If
9 the legislature does not appropriate money specifically for that
10 purpose, the commission may, but is not required to, implement a
11 provision of this Act using other appropriations available for that
12 purpose.

13 SECTION 10. This Act takes effect September 1, 2021.