

By: Reynolds

H.B. No. 4185

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Institute for Community Policing at the University of Houston.

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

SECTION 1. Chapter 111, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. TEXAS INSTITUTE FOR COMMUNITY POLICING

Sec. 111.161. DEFINITIONS. In this subchapter:

(1) "Board" means the board of regents of the University of Houston System.

(2) "Institute" means the Texas Institute for Community Policing established under this subchapter.

Sec. 111.162. ESTABLISHMENT. (a) The Texas Institute for Community Policing is established at the University of Houston.

(b) The organization, control, and management of the institute are vested in the board.

Sec. 111.163. DUTIES OF INSTITUTE. The institute shall:

(1) conduct research regarding protocols and best practices for use during police encounters, including traffic stops;

(2) develop and offer to the general public police encounters courses that:

(A) provide best practices for the public in different types of police encounters, including traffic stops;

1                   (B) explain the law regarding use of force by  
2 peace officers;

3                   (C) provide opportunities for interaction  
4 between the public and peace officers in a low-stress environment;  
5 and

6                   (D) foster greater trust between the public and  
7 peace officers;

8                   (3) develop and offer to professionals in the criminal  
9 justice field accredited programs and training regarding community  
10 policing; and

11                   (4) make community policing policy recommendations to  
12 interested parties.

13                   Sec. 111.164. BIENNIAL REPORT TO LEGISLATURE. Not later  
14 than December 1 of each even-numbered year, the institute shall  
15 submit a report to the legislature that includes the results of the  
16 research conducted under Section 111.163(1) and any associated  
17 recommendations.

18                   Sec. 111.165. COLLABORATION WITH OTHER ENTITIES. The  
19 University of Houston shall encourage public or private entities to  
20 participate in or support the operation of the institute and may  
21 enter into an agreement with any public or private entity for that  
22 purpose. An agreement may allow the institute to provide  
23 information, services, or other assistance to an entity in exchange  
24 for the entity's participation or support.

25                   Sec. 111.166. GIFTS AND GRANTS. The board may solicit,  
26 accept, and administer gifts and grants from any public or private  
27 source for the purposes of the institute.

1       Sec. 111.167. PERSONNEL. The board may employ personnel  
2 for the institute as necessary.

3       Sec. 111.168. RULES. The board may adopt rules as necessary  
4 to implement this subchapter.

5       SECTION 2. The heading to Article 45.0511, Code of Criminal  
6 Procedure, is amended to read as follows:

7       Art. 45.0511. DRIVING SAFETY COURSE, ~~[OR]~~ MOTORCYCLE  
8 OPERATOR COURSE, OR POLICE ENCOUNTERS COURSE DISMISSAL PROCEDURES.

9       SECTION 3. Articles 45.0511(b), (c), (c-1), (d), (e), (k),  
10 (l), (o), (p), (q), and (r), Code of Criminal Procedure, are amended  
11 to read as follows:

12       (b) The judge shall require the defendant to successfully  
13 complete, as appropriate based on the conduct underlying the  
14 applicable offense, a driving safety course approved by the Texas  
15 Department of Licensing and Regulation, ~~[or]~~ a course under the  
16 motorcycle operator training and safety program approved by the  
17 designated state agency under Chapter 662, Transportation Code, or,  
18 for a defendant who is 25 years of age or older, a police encounters  
19 course developed by the Texas Institute for Community Policing  
20 under Subchapter L, Chapter 111, Education Code, if:

21           (1) the defendant elects [~~driving safety course or~~  
22 ~~motorcycle operator training course~~] dismissal through a course  
23 under this article;

24           (2) the defendant:

25               (A) has not completed an approved driving safety  
26 course, ~~[or]~~ motorcycle operator training course, or police  
27 encounters course, as appropriate, within the 12 months preceding

1 the date of the offense; or

2 (B) does not have a valid Texas driver's license  
3 or permit, is a member, or the spouse or dependent child of a  
4 member, of the United States military forces serving on active  
5 duty, and has not completed a driving safety course, ~~[or]~~  
6 motorcycle operator training course, or police encounters course,  
7 as appropriate, in another state within the 12 months preceding the  
8 date of the offense;

9 (3) the defendant enters a plea under Article 45.021  
10 in person or in writing of no contest or guilty on or before the  
11 answer date on the notice to appear and:

12 (A) presents in person or by counsel to the court  
13 a request to take a course; or

14 (B) sends to the court by certified mail, return  
15 receipt requested, postmarked on or before the answer date on the  
16 notice to appear, a written request to take a course;

17 (4) the defendant:

18 (A) has a valid Texas driver's license or permit;

19 or

20 (B) is a member, or the spouse or dependent child  
21 of a member, of the United States military forces serving on active  
22 duty;

23 (5) the defendant is charged with an offense to which  
24 this article applies, other than speeding at a speed of:

25 (A) 95 miles per hour or more; or

26 (B) 25 miles per hour or more over the posted  
27 speed limit; and

1           (6) the defendant provides evidence of financial  
2 responsibility as required by Chapter 601, Transportation Code.

3           (c) The court shall enter judgment on the defendant's plea  
4 of no contest or guilty at the time the plea is made, defer  
5 imposition of the judgment, and allow the defendant 90 days to  
6 successfully complete the approved driving safety course, ~~[or]~~  
7 motorcycle operator training course, or police encounters course  
8 and present to the court:

9           (1) a uniform certificate of completion of the driving  
10 safety course, ~~[or]~~ a verification of completion of the motorcycle  
11 operator training course, or a verification of completion of the  
12 police encounters course;

13           (2) unless the judge proceeds under Subsection (c-1),  
14 the defendant's driving record as maintained by the Department of  
15 Public Safety, if any, showing that the defendant had not completed  
16 an approved driving safety course, ~~[or]~~ motorcycle operator  
17 training course, or police encounters course, as applicable, within  
18 the 12 months preceding the date of the offense;

19           (3) an affidavit stating that the defendant was not  
20 taking a driving safety course, ~~[or]~~ motorcycle operator training  
21 course, or police encounters course, as applicable, under this  
22 article on the date the request to take the course was made and had  
23 not completed such a course that is not shown on the defendant's  
24 driving record within the 12 months preceding the date of the  
25 offense; and

26           (4) if the defendant does not have a valid Texas  
27 driver's license or permit and is a member, or the spouse or

1 dependent child of a member, of the United States military forces  
2 serving on active duty, an affidavit stating that the defendant was  
3 not taking a driving safety course, ~~or~~ motorcycle operator  
4 training course, or police encounters course, as appropriate, in  
5 another state on the date the request to take the course was made  
6 and had not completed such a course within the 12 months preceding  
7 the date of the offense.

8 (c-1) In this subsection, "state electronic Internet  
9 portal" has the meaning assigned by Section 2054.003, Government  
10 Code. As an alternative to receiving the defendant's driving  
11 record under Subsection (c)(2), the judge, at the time the  
12 defendant requests a driving safety course, ~~or~~ motorcycle  
13 operator training course, or police encounters course dismissal  
14 under this article, may require the defendant to pay a  
15 reimbursement fee in an amount equal to the sum of the amount of the  
16 fee established by Section 521.048, Transportation Code, and the  
17 state electronic Internet portal fee and, using the state  
18 electronic Internet portal, may request the Texas Department of  
19 Public Safety to provide the judge with a copy of the defendant's  
20 driving record that shows the information described by Section  
21 521.047(b), Transportation Code. As soon as practicable and using  
22 the state electronic Internet portal, the Texas Department of  
23 Public Safety shall provide the judge with the requested copy of the  
24 defendant's driving record. The reimbursement fee authorized by  
25 this subsection is in addition to any other fee required under this  
26 article. If the copy of the defendant's driving record provided to  
27 the judge under this subsection shows that the defendant has not

1 completed an approved driving safety course, ~~[or]~~ motorcycle  
2 operator training course, or police encounters course, as  
3 appropriate, within the 12 months preceding the date of the  
4 offense, the judge shall allow the defendant to complete the  
5 appropriate course as provided by this article. The custodian of a  
6 municipal or county treasury who receives reimbursement fees  
7 collected under this subsection shall keep a record of the fees and,  
8 without deduction or proration, forward the fees to the  
9 comptroller, with and in the manner required for other fees and  
10 costs received in connection with criminal cases. The comptroller  
11 shall credit fees received under this subsection to the Texas  
12 Department of Public Safety.

13 (d) Notwithstanding Subsections (b)(2) and (3), before the  
14 final disposition of the case, the court may grant a request to take  
15 a driving safety course, ~~[or]~~ a motorcycle operator training  
16 course, or a police encounters course under this article.

17 (e) A request to take a driving safety course, ~~[or]~~  
18 motorcycle operator training course, or police encounters course  
19 made at or before the time and at the place at which a defendant is  
20 required to appear in court is an appearance in compliance with the  
21 defendant's promise to appear.

22 (k) On a defendant's showing of good cause for failure to  
23 furnish evidence to the court, the court may allow an extension of  
24 time during which the defendant may present:

25 (1) a uniform certificate of course completion as  
26 evidence that the defendant successfully completed the driving  
27 safety course; or

1           (2) a verification of course completion as evidence  
2 that the defendant successfully completed the motorcycle operator  
3 training course or police encounters course.

4           (1) When a defendant complies with Subsection (c), the court  
5 shall:

6                   (1) remove the judgment and dismiss the charge;

7                   (2) report the fact that the defendant successfully  
8 completed a driving safety course, ~~or~~ a motorcycle operator  
9 training course, or a police encounters course and the date of  
10 completion to the Texas Department of Public Safety for inclusion  
11 in the person's driving record; and

12                   (3) state in that report whether the course was taken  
13 under this article to provide information necessary to determine  
14 eligibility to take a subsequent course under Subsection (b).

15           (o) An insurer delivering or issuing for delivery a motor  
16 vehicle insurance policy in this state may not cancel or increase  
17 the premium charged an insured under the policy because the insured  
18 completed a driving safety course, ~~or~~ a motorcycle operator  
19 training course, or a police encounters course, or had a charge  
20 dismissed under this article.

21           (p) The court shall advise a defendant charged with a  
22 misdemeanor under Section [472.022](#), Transportation Code, Subtitle  
23 C, Title 7, Transportation Code, or Section [729.001\(a\)\(3\)](#),  
24 Transportation Code, committed while operating a motor vehicle of  
25 the defendant's right under this article to successfully complete a  
26 driving safety course or a police encounters course or, if the  
27 offense was committed while operating a motorcycle, a motorcycle



1 operator training course. The right to complete a course does not  
2 apply to a defendant charged with:

3 (1) a violation of Section 545.066, 550.022, or  
4 550.023, Transportation Code;

5 (2) a serious traffic violation; or

6 (3) an offense to which Section 542.404,  
7 Transportation Code, applies.

8 (q) A notice to appear issued for an offense to which this  
9 article applies must inform a defendant charged with an offense  
10 under Section 472.022, Transportation Code, an offense under  
11 Subtitle C, Title 7, Transportation Code, or an offense under  
12 Section 729.001(a)(3), Transportation Code, committed while  
13 operating a motor vehicle of the defendant's right to complete a  
14 driving safety course or a police encounters course or, if the  
15 offense was committed while operating a motorcycle, of the  
16 defendant's right to complete a motorcycle operator training  
17 course. The notice required by this subsection must read  
18 substantially as follows:

19 "You may be able to require that this charge be dismissed by  
20 successfully completing a driving safety course, [or] a motorcycle  
21 operator training course, or a police encounters course. You will  
22 lose that right if, on or before your appearance date, you do not  
23 provide the court with notice of your request to take the course."

24 (r) If the notice required by Subsection (q) is not provided  
25 to the defendant charged with the offense, the defendant may  
26 continue to exercise the defendant's right to take a driving safety  
27 course, [or] a motorcycle operator training course, or a police

1 encounters course until the notice required by Subsection (q) is  
2 provided to the defendant or there is a final disposition of the  
3 case.

4 SECTION 4. Not later than December 1, 2022, the Texas  
5 Institute for Community Policing shall submit to the legislature  
6 the first biennial report required under Section 111.164, Education  
7 Code, as added by this Act.

8 SECTION 5. The change in law made by this Act to Article  
9 [45.0511](#), Code of Criminal Procedure, applies only to an offense  
10 committed on or after the effective date of this Act. An offense  
11 committed before the effective date of this Act is covered by the  
12 law in effect when the offense was committed, and the former law is  
13 continued in effect for that purpose. For the purposes of this  
14 section, an offense is committed before the effective date of this  
15 Act if any element of the offense occurs before that date.

16 SECTION 6. This Act takes effect September 1, 2021.