

SENATE AMENDMENTS

2nd Printing

By: Thompson of Brazoria, White, Schaefer,
Cyrier, Moody, et al.

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.

ADOPTED

MAY 27 2021

By:

THOMPSON/WEST

Latey Law
Secretary of the Senate

H.B. No. 3712

Substitute the following for ____B. No. ____:

Joan Huffman

C.S. H.B. No. 3712

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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 to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(A) the amount of force exceeds that which is

1 reasonable under the circumstances; and

2 (B) the officer knows or should know that the
3 other officer's use of force:

4 (i) violates state or federal law;

5 (ii) puts a person at risk of bodily injury,
6 as that term is defined by Section 1.07, Penal Code, and is not
7 immediately necessary to avoid imminent bodily injury to a peace
8 officer or other person; and

9 (iii) is not required to apprehend the
10 person suspected of committing an offense; and

11 (3) the duty of a peace officer who encounters an
12 injured person while discharging the officer's official duties to
13 immediately and as necessary request emergency medical services
14 personnel to provide the person with emergency medical services
15 and, while waiting for emergency medical services personnel to
16 arrive, provide first aid or treatment to the person to the extent
17 of the officer's skills and training, unless the request for
18 emergency medical services personnel or the provision of first aid
19 or treatment would expose the officer or another person to a risk of
20 bodily injury or the officer is injured and physically unable to
21 make the request or provide the treatment.

22 SECTION 3. Subchapter F, Chapter 1701, Occupations Code, is
23 amended by adding Sections 1701.269 and 1701.270 to read as
24 follows:

25 Sec. 1701.269. TRAINING PROGRAM AND POLICIES FOR PEACE
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27 Blackwood Law Enforcement Management Institute of Texas and other

1 interested parties chosen by the commission, shall develop and
2 maintain a model training curriculum and model policies for law
3 enforcement agencies and peace officers.

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

6 (1) curriculum and policies for banning the use of a
7 choke hold, carotid artery hold, or similar neck restraint by a
8 peace officer in searching or arresting a person, unless the
9 officer reasonably believes the restraint is necessary to prevent
10 serious bodily injury to or the death of the peace officer or
11 another person;

12 (2) curriculum and policies regarding the duty of a
13 peace officer to intervene to stop or prevent another peace officer
14 from using force against a person suspected of committing an
15 offense if:

16 (A) the amount of force exceeds that which is
17 reasonable under the circumstances; and

18 (B) the officer knows or should know that the
19 other officer's use of force:

20 (i) violates state or federal law;
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22 as that term is defined by Section 1.07, Penal Code, and is not
23 immediately necessary to avoid imminent bodily injury to a peace
24 officer or other person; and

25 (iii) is not required to apprehend the
26 person suspected of committing an offense; and

27 (3) curriculum and policies regarding the duty of a

1 peace officer who encounters an injured person while discharging
2 the officer's official duties to immediately and as necessary
3 request emergency medical services personnel to provide the person
4 with emergency medical services and, while waiting for emergency
5 medical services personnel to arrive, provide first aid or
6 treatment to the person to the extent of the officer's skills and
7 training, unless the request for emergency medical services
8 personnel or the provision of first aid or treatment would expose
9 the officer or another person to a risk of bodily injury or the
10 officer is injured and physically unable to make the request or
11 provide the treatment.

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

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20 by adding Subsection (a-2) to read as follows:

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

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27 Commission on Law Enforcement shall modify the curriculum of the

1 basic peace officer training course as necessary to comply with
2 Section 1701.2551, Occupations Code, as added by this Act.

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

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8 Commission on Law Enforcement shall develop and make available the
9 model training curriculum and model policies required by Section
10 1701.269, Occupations Code, as added by this Act.

11 SECTION 7. Section 1701.351(a-2), Occupations Code, as
12 added by this Act, applies only to a training unit that begins on or
13 after the effective date of this Act.

14 SECTION 8. The Texas Commission on Law Enforcement is
15 required to implement a provision of this Act only if the
16 legislature appropriates money specifically for that purpose. If
17 the legislature does not appropriate money specifically for that
18 purpose, the commission may, but is not required to, implement a
19 provision of this Act using other appropriations available for that
20 purpose.

21 SECTION 9. This Act takes effect September 1, 2021.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3712 by Thompson, Ed (Relating to the training of and policies for peace officers.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3712, As Passed 2nd House : a negative impact of (\$334,273) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2022	(\$170,418)
2023	(\$163,855)
2024	(\$163,855)
2025	(\$163,855)
2026	(\$163,855)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$170,418)	1.0
2023	(\$163,855)	1.0
2024	(\$163,855)	1.0
2025	(\$163,855)	1.0
2026	(\$163,855)	1.0

Fiscal Analysis

The bill would require the Texas Commission on Law Enforcement (TCOLE) to develop and maintain a model training curriculum and model policies for peace officers who conduct field training.

The bill would require TCOLE to develop and make available to all law enforcement agencies a model policy for the preemployment investigation of a licensed person.

Methodology

According to TCOLE, the agency uses committees comprised primarily of law enforcement stakeholders when developing new training materials or model policies. TCOLE indicates that it would require 1.0 Curriculum Coordinator to coordinate the following stakeholder committees:

- One committee of five people to amend the basic peace officer course under 1701.2551;
- One committee of eight people to develop training under 1701.269;
- One committee of eight people to create a model policy under 1701.269; and
- One committee of eight people to create a model policy under 1701.459.

TCOLE estimates that it would cost \$57,989 for the four committees to travel one overnight 3-4 times each, for a total of 105 travel days per fiscal year.

The total cost for hiring 1.0 FTE is estimated to be \$101,569 in each fiscal year, which includes salary, benefits, and travel costs. Additionally, it would cost \$2,800 in each fiscal year for rent.

According to the Bill Blackwood Law Enforcement Management Institute of Texas, it is assumed that the costs associated with consultation for the model policy on preemployment investigations could be absorbed using existing resources.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Technology

According to TCOLE, the estimated cost for IT equipment and maintenance would be \$8,060 in fiscal year 2022 and \$1,497 in each fiscal year thereafter.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 407 Law Enforcement, 758 Texas State University System

LBB Staff: JMc, LBO, SLE, KFB, NA, DKN, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 21, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3712 by Thompson, Ed (relating to the training of and policies for peace officers.), Committee Report 2nd House, Substituted

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Source Agencies: 407 Law Enforcement, 758 Texas State University System

LBB Staff: JMc, SLE, KFB, NA, DKN, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3712 by Thompson, Ed (Relating to the hiring and training of and policies for peace officers.), As Engrossed

Estimated Two-year Net Impact to General Revenue Related Funds for HB3712, As Engrossed: a negative impact of (\$334,273) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Technology

According to TCOLE, the estimated cost for IT equipment and maintenance would be \$8,060 in fiscal year 2022 and \$1,497 in each fiscal year thereafter.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 407 Law Enforcement, 758 Texas State University System

LBB Staff: JMc, SLE, KFB, NA, DKN, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 22, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3712 by Thompson, Ed (Relating to the hiring and training of and policies for peace officers.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for HB3712, Committee Report 1st House, Substituted: a negative impact of (\$334,273) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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According to the Bill Blackwood Law Enforcement Management Institute of Texas, it is assumed that the costs associated with consultation for the model policy on preemployment investigations could be absorbed using existing resources.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Technology

According to TCOLE, the estimated cost for IT equipment and maintenance would be \$8,060 in fiscal year 2022 and \$1,497 in each fiscal year thereafter.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 407 Law Enforcement, 758 Texas State University System

LBB Staff: JMc, DKN, KFB, NA, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 7, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3712 by Thompson, Ed (Relating to the training and hiring of peace officers.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB3712, As Introduced: a negative impact of (\$334,273) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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TCOLE estimates that it would cost \$57,989 for the four committees to travel one overnight 3-4 times each, for a total of 105 travel days per fiscal year.

The total cost for hiring 1.0 FTE is estimated to be \$101,569 in each fiscal year, which includes salary, benefits, and travel costs. Additionally, it would cost \$2,800 in each fiscal year for rent.

This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Technology

According to TCOLE, the estimated cost for IT equipment and maintenance would be \$8,060 in fiscal year 2022 and \$1,497 in each fiscal year thereafter.

Local Government Impact

The Chambers County Sheriff's office believes there might be a small fiscal impact, but does not believe it will be significant. The fiscal impact to other units of local government is not anticipated to be significant.

Source Agencies: 407 Law Enforcement

LBB Staff: JMc, DKN, KFB, NA, AF

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

April 22, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3712 by Thompson, Ed (Relating to the hiring and training of and policies for peace officers.),
Committee Report 1st House, Substituted

The provisions of the bill addressed by this analysis would amend the Occupations Code as it relates to the training and hiring of and policies for peace officers. Under the provisions of the bill, certain required training and policies for peace officers would be modified and the Texas Commission on Law Enforcement would be required to develop a model policy for pre-employment investigations of licensed law enforcement officers as outlined in the bill.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

Agencies:

LBB Staff: JMc, DKN, LM, SPA

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

April 7, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3712 by Thompson, Ed (Relating to the training and hiring of peace officers.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Occupations Code as it relates to the training and hiring of peace officers. Under the provisions of the bill, certain training requirements for peace officers would be modified and the Texas Commission on Law Enforcement would be required to develop a policy for pre-employment investigations of licensed law enforcement officers.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

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