

**House Bill 3712**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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SECTION 1. Same as House version.

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 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 reasonable under the circumstances; and

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

(i) violates state or federal law;

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

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

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

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

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

(1) curriculum and policies for field training programs;

(2) curriculum and policies for banning the 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

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

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

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

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

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

(1) curriculum and policies for banning the 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

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reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another person;

(3) curriculum and policies regarding 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 the scene is secure and the amount of force exceeds that which the officer reasonably believes is necessary under the circumstances;

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

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

Sec. 1701.270. REQUIRED POLICIES FOR LAW ENFORCEMENT AGENCIES. Not later than the 180th day

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serious bodily injury to or the death of the peace officer or another person;

(2) curriculum and policies regarding 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 reasonable under the circumstances; and

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

(i) violates state or federal law;

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

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

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

Sec. 1701.270. REQUIRED POLICIES FOR LAW ENFORCEMENT AGENCIES. Not later than the 180th day

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after the date the commission provides the model policies described by Section 1701.269(b), each law enforcement agency in this state shall adopt a policy on the topics described by that subsection. A law enforcement agency may adopt the model policies developed by the commission under that subsection.

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

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

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

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

- (1) the duties and responsibilities of a law enforcement agency or governmental entity under Section 1701.303;
- (2) the request, analysis, and use of any employment termination report or criminal background check information obtained under Section 1701.451; and

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after the date the commission provides the model policies described by Section 1701.269(b), each law enforcement agency in this state shall adopt a policy on the topics described by that subsection. A law enforcement agency may adopt the model policies developed by the commission under that subsection.

SECTION 4. Same as House version.

No equivalent provision.

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<p><u>(3) any other information the commission considers necessary to conduct a preemployment investigation of a person.</u></p>		
<p>SECTION 6. (a) Not later than January 1, 2022, the Texas Commission on Law Enforcement shall modify the curriculum of the basic peace officer training course as necessary to comply with Section 1701.2551, Occupations Code, as added by this Act.</p> <p>(b) The minimum hour and content requirements for the basic peace officer training course under Section 1701.2551, Occupations Code, as added by this Act, apply only to a person who first begins the course on or after July 1, 2022.</p>	<p>SECTION 5. Same as House version.</p>	
<p>SECTION 7. Not later than January 1, 2022, the Texas Commission on Law Enforcement shall develop and make available the model training curriculum and model policies required by Section 1701.269, Occupations Code, as added by this Act.</p>	<p>SECTION 6. Same as House version.</p>	
<p>SECTION 8. Section 1701.351(a-2), Occupations Code, as added by this Act, applies only to a training unit that begins on or after the effective date of this Act.</p>	<p>SECTION 7. Same as House version.</p>	
<p>SECTION 9. The Texas Commission on Law Enforcement is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to,</p>	<p>SECTION 8. Same as House version.</p>	

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implement a provision of this Act using other appropriations available for that purpose.

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

SECTION 9. Same as House version.