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| BILL ANALYSIS |

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| C.S.H.B. 3858 |
| By: Frazier |
| Homeland Security & Public Safety |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE** Peace officers, while acting in their official duties, are often exposed to high stress and traumatic events. Naturally, this can take a toll on an officer's well-being. The state should empower law enforcement agencies to take additional steps to help ensure officers' mental health needs are being met. C.S.H.B. 3858 seeks to authorize qualifying law enforcement agencies to establish and maintain a wellness program for the agency's peace officers and provides for the establishment of a state grant program to assist in the maintenance of these programs. |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS** C.S.H.B. 3858 amends the Government Code to authorize a qualifying law enforcement agency to establish and maintain a wellness program for the agency's peace officers. The bill requires a law enforcement agency that establishes a wellness program to ensure that the program complies with any requirements established by the Health and Human Services Commission (HHSC) and is available to each peace officer who has routinely responded to and may have been affected by a violent incident. The program at minimum must provide an initial telephone call or other form of contact from an agency representative to monitor the mental and physical well-being of a peace officer who may have been affected by a violent incident and information regarding mental health resources, including counseling and therapy services, to a peace officer who is struggling to cope with the effect on the officer of responding to a violent incident. The bill requires the executive commissioner of HHSC, not later than January 1, 2024, to prescribe any necessary requirements for peace officer wellness programs. C.S.H.B. 3858 requires HHSC to establish and administer a grant program to assist law enforcement agencies in establishing and maintaining peace officer wellness programs and to establish the following with respect to the grant program:* eligibility criteria for grant applicants;
* grant application procedures;
* guidelines relating to grant amounts;
* procedures for evaluating grant applications;
* guidelines relating to the use of a grant awarded under the program, including the reimbursement of costs associated with the provision of counseling and therapy services to peace officers participating in a wellness program; and
* procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any condition of a grant.

The bill establishes the peace officer wellness fund as an account in the general revenue fund composed of money appropriated to the fund by the legislature, gifts and grants contributed to the fund, and the earnings of the fund. The bill restricts the appropriation of the money in the fund to HHSC for use in making grants under the grant program.C.S.H.B. 3858 defines the following terms for purposes of these provisions:* "law enforcement agency" as a state agency or political subdivision that employs at least 20 of the following peace officers to answer emergency calls for service or conduct patrol operations, traffic enforcement, or criminal investigations:
	+ sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license;
	+ marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license;
	+ rangers, officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the public safety director of the Department of Public Safety;
	+ officers commissioned as public school district peace officers, school resource officers, or security personnel;
	+ officers commissioned as higher education campus peace officers; or
	+ law enforcement officers commissioned by the Parks and Wildlife Commission; and
* "violent incident" as an incident involving a peace officer that occurs while the officer is performing official duties and that poses a substantial risk of serious harm to the officer's mental health or well-being, including responding to a homicide, suicide, or fatal motor vehicle accident.
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| **EFFECTIVE DATE** September 1, 2023. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**While C.S.H.B. 3858 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.Whereas the introduced required each applicable law enforcement agency to establish and maintain a mental health wellness unit within the agency for its peace officers and established a corresponding peace officer mental health fund, the substitute authorizes an applicable law enforcement agency to establish and maintain a peace officer wellness program for its peace officers and establishes a corresponding peace officer wellness fund. Moreover, whereas the introduced defined "law enforcement agency" for this purpose as the Department of Public Safety or any political subdivision authorized by law to employ peace officers under the Code of Criminal Procedure, the substitute limits the agencies that qualify as a law enforcement agency to only a state agency or political subdivision that employs at least 20 qualifying peace officers to answer emergency calls for service or conduct patrol operations, traffic enforcement, or criminal investigations. The substitute revises the provisions in the introduced establishing the requirements for a wellness unit by making them applicable instead to a wellness program and further revises the requirements as follows:* whereas the introduced required a wellness unit to identify peace officers that respond to a violent incident that may result in a loss of life, including a homicide, suicide, or fatal motor vehicle accident and did not define "violent incident," the substitute requires that a wellness program be available to each peace officer who has routinely responded to and may have been affected by a violent incident, which the substitute defines as an incident involving a peace officer that occurs while the officer is performing official duties and that poses a substantial risk of serious harm to the officer's mental health or well-being, including, as in the introduced, responding to a homicide, suicide, or fatal motor vehicle accident;
* whereas the introduced required a wellness unit to require a representative of the unit to communicate with and monitor the mental health of an identified officer when feasible, the substitute requires that a wellness program provide an initial telephone call or other form of contact from an agency representative to monitor the mental and physical well‑being of a peace officer who may have been affected by a violent incident; and
* whereas the introduced required a wellness unit to maintain and provide a list of verified counselors, therapists, and support resources available to an identified officer who agrees to services through the wellness unit, the substitute requires that a wellness program provide information regarding mental health resources, including counseling and therapy services, to a peace officer who is struggling to cope with the effect on the officer of responding to a violent incident.

While both the introduced and the substitute establish a grant program, the substitute makes the grant program available to all applicable law enforcement agencies, whereas in the introduced, the grant program was only to assist local law enforcement agencies. Additionally, the substitute includes a requirement absent from the introduced for HHSC to establish guidelines relating to the use of an awarded grant, including the reimbursement of costs associated with the provision of counseling and therapy services to peace officers participating in a wellness program. The substitute omits a provision from the introduced that established that a law enforcement agency is not required to establish a wellness unit until September 1, 2024. |
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