

## **BILL ANALYSIS**

Senate Research Center

H.B. 2183  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

As members are aware, there is a significant shortage of county jailers just as there is a shortage of state prison guards. Currently, a sheriff can hire an individual to be a jailer and start them immediately under a temporary jailer license, working alongside a licensed jailer. In addition to working their jailer job, the individual must work to achieve full jailer licensure through the Texas Commission on Law Enforcement (TCOLE) within 12 months. There are several reasons why a jailer may fail to meet that 12-month deadline. In many cases, the individual simply leaves county employment, in good standing, to take a job in another industry that pays better. At any point when that individual decides they want to come back to work at the jail (e.g., after the oil field dries up), they are not eligible for a subsequent temporary license. This bill simply recognizes that in today's society, individuals change jobs for a variety of reasons other than misconduct or poor performance and we should not penalize county jails when someone in good standing chooses to leave and then wants to return.

H.B. 2183 would allow an individual to start at a jail under a temporary license. At the end of 12 months, if they have not achieved full licensure, the sheriff can petition TCOLE for a six-month extension on the temporary license to give them more time to complete it. If an individual in good standing leaves the jail under a temporary license, they are eligible for a subsequent temporary license in the future if they choose to seek employment at a jail.

H.B. 2183 amends current law relating to the temporary appointment of county jailers.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Law Enforcement in SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1701.310, Occupations Code, by amending Subsection (b) and adding Subsections (b-1), (b-2), and (b-3), as follows:

(b) Prohibits a temporary appointment as a county jailer from being renewed, except that the sheriff is authorized to petition the Texas Commission on Law Enforcement (TCOLE) to extend the temporary appointment for a period not to exceed six months.

(b-1) Authorizes a person who has previously been appointed on a temporary basis as a county jailer and separated from that position to be subsequently appointed on a temporary basis as a county jailer under Subsection (b) at the same or a different county jail only if the person was in good standing at the time the person separated from the position.

(b-2) Authorizes a person who has cumulatively served as a county jailer on a temporary basis under Subsection (b) for two years to continue to serve for the remainder of that temporary appointment, not to exceed the first anniversary of the date of the most recent appointment. Provides that the person is not eligible for an extension of that appointment or for a subsequent appointment on a temporary basis as a county jailer under that subsection at the same or a different county jail until the first anniversary of the date the

person separates from the temporary appointment during which the person reached two years of cumulative service.

(b-3) Authorizes a person whose county jailer license has become inactive to be appointed as a county jailer on a temporary basis under Subsection (b).

SECTION 2. Requires TCOLE, as soon as practicable after the effective date of this Act, to adopt the rules necessary to implement the changes in law made by this Act to Section 1701.310, Occupations Code.

SECTION 3. Effective date: September 1, 2023.