

## **BILL ANALYSIS**

C.S.H.B. 4873  
By: Holland  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Texas Commission on Law Enforcement (TCOLE) is the state agency tasked with ensuring that law enforcement officers in Texas are highly trained and that peace officer licenses are appropriately maintained. Currently, there is not a set of statewide minimum conduct standards for law enforcement officers in Texas, which makes dealing with potential officer misconduct more difficult. C.S.H.B. 4873 seeks to require TCOLE to establish a set of minimum conduct standards for peace officers and to provide for disciplinary action against an officer who violates those standards. Additionally, the bill seeks to disqualify an applicant from receiving a peace officer license if their license was revoked or suspended in another state.

### **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 rulemaking authority is expressly granted to the Texas Commission on Law Enforcement in SECTIONS 1, 2, and 6 of this bill.

### **ANALYSIS**

C.S.H.B. 4873 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE), by rule and not later than January 1, 2024, to prescribe standards of conduct for peace officers and reserve law enforcement officers and to biennially review and update the standards as necessary. The standards of conduct must establish minimum standards with respect to the following:

- pursuit of a suspect;
- arrest and control tactics;
- executing high-risk warrants; and
- conducting traffic stops, including a uniform standard for conducting a traffic stop for an offense punishable by fine only.

The standards of conduct apply only to conduct that occurs on or after January 1, 2024.

C.S.H.B. 4873 requires the governor to appoint a panel to investigate alleged violations of the prescribed standards of conduct. The panel consists of the following nine members, each appointed by the governor:

- one member of TCOLE, who serves as presiding officer of the panel;
- one member of the Texas Indigent Defense Commission;
- one peace officer licensed by TCOLE who is selected from a list of six names provided to the governor by the president, or the president's designee, of the Combined Law Enforcement Associations of Texas;

- one peace officer licensed by TCOLE who is selected from a list of six names provided to the governor by the president, or the president's designee, of the Texas Municipal Police Association;
- one peace officer licensed by TCOLE who is from a list of three names provided by the president, or the president's designee, of the Sheriffs' Association of Texas;
- one peace officer licensed by TCOLE who is from a list of three names provided by the president, or the president's designee, of the Texas Police Chiefs Association; and
- three persons, each of whom:
  - has been a Texas resident for at least one year before the date of appointment;
  - meets the minimum age for obtaining a peace officer license; and
  - is not disqualified under state law from obtaining such a license.

The bill establishes that members serve two-year terms and requires the panel to meet at the call of the presiding officer. The bill establishes that a member of the panel is not entitled to compensation for service on the panel but is entitled to reimbursement for expenses incurred in performing official duties as a member of the panel, as provided by the General Appropriations Act. The bill requires the governor to appoint initial members to the panel not later than January 1, 2024.

C.S.H.B. 4873 authorizes TCOLE or the investigative panel, in the investigation of an alleged violation of a standard of conduct, to request, and if necessary, compel by subpoena the attendance of a witness for examination under oath and the production for inspection and copying of records, documents, and other evidence relevant to the investigation, including the personnel files and other employee records regarding the person who is the subject of the investigation. The bill authorizes TCOLE or the panel, as applicable, acting through the attorney general, to bring an action to enforce a subpoena against a person who fails to comply with the subpoena. Venue for the action is in a district court in Travis County or any county of proper venue as provided by the Civil Practices and Remedies Code. The bill requires the court to order compliance with the subpoena if the court finds that good cause exists to issue the subpoena and requires TCOLE to adopt rules for the attendance of a witness by videoconference in response to a subpoena issued under these provisions.

C.S.H.B. 4873 authorizes TCOLE to revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for violating any of the adopted standards of conduct. However, TCOLE may not take disciplinary action against an officer for an alleged violation of a standard of conduct unless the investigative panel, by a two-thirds vote, determines the violation occurred and recommends the disciplinary action. The bill requires TCOLE to submit to the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training, or a similar database selected by TCOLE that serves as a registry for the revocation of officer licenses in several jurisdictions based on misconduct committed by the officer, information necessary to create a record in the database for each officer license TCOLE revokes for violating an officer standard of conduct or as a result of a dishonorable discharge.

C.S.H.B. 4873 disqualifies a person to be a peace officer or reserve law enforcement officer if the person has been issued a license or other authorization to act in that capacity in another state and the license or authorization was revoked or suspended. The bill prohibits TCOLE from issuing an officer license to that person. This provision applies only to an application for an officer license submitted on or after the bill's effective date.

C.S.H.B. 4873 requires TCOLE, not later than January 1, 2024, to adopt the rules necessary to implement the bill's provisions.

**EFFECTIVE DATE**

September 1, 2023.

## **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 4873 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.

The substitute provides for the creation of, and establishes provisions relating to, an investigative panel to investigate alleged violations of the officer standards of conduct, whereas the introduced did not.