

BILL ANALYSIS

Senate Research Center
88R19587 JCG-D

C.S.S.B. 999
By: West
Education
4/6/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the Texas Commission on Law Enforcement (TCOLE) is vested with crafting and enforcing certification requirements for a variety of certifications and training courses, including the course, Active Shooter Response for School-Based Law Enforcement, Course No. 2195. This is the course which is among the primary vehicles in Texas for providing law enforcement and others with active shooter training specific to school-based settings.

However, current law has a multifaceted gap with regard to active shooter training courses. While TCOLE certifies the coursework and the course instructor providing active shooter training courses must be certified, the company through which this training is provided is not required to hold any TCOLE certification.

School district peace officers and school resource officers are required by Section 37.0812 to complete an active shooter response training program approved by TCOLE. Under current law, TCOLE has the authority to refuse to contract for training from companies and organizations that do not meet TCOLE's standards. However, they do not have the authority to prevent a company from providing active shooter training in Texas. According to TCOLE, "There is law enforcement training that occurs in Texas that is not reported to or accepted by TCOLE for continuing education."

In order to ensure that any person who receives active shooter training in Texas is receiving a curriculum that is approved by the state, S.B. 999, after substituted, will require all companies that are providing active shooter training to students or employees at a public school or institution of higher education to both use certified instructors and possess a TCOLE certification at the company level.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 999 amends current law relating to the requirement that providers of active shooter training at public schools and institutions of higher education obtain a certificate issued by the Texas Commission on Law Enforcement.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Law Enforcement in SECTION 3 (Section 1701.2515, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.1141, Education Code, by adding Subsection (c-1), as follows:

(c-1) Prohibits a school district from contracting for the provision of active shooter training for the students or employees of a school unless the training provider is certified under Section 1701.2515, Occupations Code, to provide the training.

SECTION 2. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9363, as follows:

Sec. 51.9363. ACTIVE SHOOTER TRAINING PROVIDERS. Prohibits an institution of higher education, as defined by Section 61.003 (Definitions), from contracting for the provision of active shooter training for the students or employees of the institution unless the training provider is certified under Section 1701.2515, Occupations Code, to provide the training.

SECTION 3. Amends Subchapter F, Chapter 1701, Occupations Code, by adding Section 1701.2515, as follows:

Sec. 1701.2515. CERTIFICATE REQUIRED TO PROVIDE ACTIVE SHOOTER TRAINING AT PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION. (a) Defines "institution of higher education."

(b) Prohibits an individual or a legal entity from providing active shooter training to students or employees at a public primary or secondary school or an institution of higher education unless:

(1) the individual providing the instruction is certified by the Texas Commission on Law Enforcement (TCOLE) under this section to provide the training; and

(2) if the training is provided by a legal entity, both the legal entity and the individual providing the instruction on behalf of the legal entity are certified by TCOLE under this section to provide the training.

(c) Requires TCOLE to:

(1) establish a certification program for providers of active shooter training, including for individuals and legal entities; and

(2) issue a certificate to a provider who meets the qualifications of the program established under Subdivision (1).

(d) Requires TCOLE to adopt rules for the renewal of a certificate issued under this section. Authorizes TCOLE to require continuing education for the renewal of the certificate.

SECTION 4. Requires TCOLE, not later than September 1, 2024, to establish the certification program required by Section 1701.2515, Occupations Code, as added by this Act.

SECTION 5. Makes application of Sections 37.1141(c-1) and 51.9363, Education Code, as added by this Act, and Section 1701.2515(b), Occupations Code, as added by this Act, prospective to December 1, 2024.

SECTION 6. Effective date: September 1, 2023.