88R8134 JCG-D

By:  Goodwin H.B. No. 1840

A BILL TO BE ENTITLED

AN ACT

relating to establishing a panel to study the regulation of law enforcement officers and law enforcement agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 1701, Occupations Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. PANEL TO REVIEW LAW ENFORCEMENT REGULATION

Sec. 1701.721.  DEFINITION. In this subchapter, "panel" means the panel established under Section 1701.722.

Sec. 1701.722.  PANEL ESTABLISHED; COMPOSITION. (a) A panel to study the regulation of persons licensed under this chapter and the entities authorized by law to employ those persons is established. The panel consists of the following 17 members:

(1)  nine members who are knowledgeable on criminal justice matters, including law enforcement personnel, representatives of victims' rights groups, educators, judges, and local elected officials, appointed as follows:

(A)  three members appointed by the governor;

(B)  three members appointed by the lieutenant governor; and

(C)  three members appointed by the speaker of the house of representatives;

(2)  three members who represent the public, one appointed by the governor, one appointed by the lieutenant governor, and one appointed by the speaker of the house of representatives;

(3)  the chair of the Senate Committee on Criminal Justice;

(4)  the chair of the House Committee on Homeland Security and Public Safety;

(5)  the chair of the board of the Texas District and County Attorneys Association or the chair's designee; and

(6)  as nonvoting members:

(A)  the executive director of the commission; and

(B)  the attorney general or the attorney general's designee.

(b)  In appointing members of the panel under Subsection (a)(1), the governor, lieutenant governor, and speaker of the house of representatives shall each appoint:

(1)  one representative of a rural county or a small municipality; and

(2)  one representative of a law enforcement agency.

(c)  The governor shall designate a chair and vice chair of the panel. The panel shall meet at the call of the chair.

Sec. 1701.723.  ADVISORY COMMITTEES. The panel may establish one or more advisory committees to assist the panel in its duties under this subchapter. Advisory committee members may include any person with knowledge or experience relevant to the study conducted under Section 1701.729.

Sec. 1701.724.  OPEN MEETINGS; PUBLIC HEARINGS. (a) The panel, and any advisory committee established by the panel, is subject to Chapter 551, Government Code.

(b)  Notwithstanding Chapter 551, Government Code, or any other law, the panel and any advisory committee may meet by telephone conference call, videoconference, or other similar telecommunication method. A meeting held under this subsection by telephone conference call, videoconference, or other similar telecommunication method is subject to the requirements of Sections 551.125(c)-(f), Government Code.

(c)  The panel shall hold a public hearing at least once every month to solicit testimony and provide information to the public regarding the work of the panel.

Sec. 1701.725.  CONFIDENTIALITY OF CERTAIN DOCUMENTS. Preliminary drafts of the final report and legislative recommendations, memoranda of panel members expressing opinions, formulations, or recommendations, and panel members' notes and correspondence with individuals who are not panel members are confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 1701.726.  SUBPOENA. (a) The panel may issue a subpoena as provided by this section.

(b)  The panel may request and, if necessary, compel by subpoena:

(1)  the production for inspection and copying of documents and other records relevant to the panel's duties under this subchapter; and

(2)  the attendance of a witness for examination under oath.

(c)  A subpoena under this section may be issued throughout this state and may be served by any person designated by the panel.

(d)  The panel, acting through the attorney general, may bring an action to enforce a subpoena issued under this section against a person who fails to comply with the subpoena.

(e)  Venue for an action brought under this section is in a district court in:

(1)  Travis County; or

(2)  any county in which the commission may conduct a hearing.

(f)  The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

Sec. 1701.727.  REIMBURSEMENT. A member of the panel or an advisory committee of the panel is not entitled to compensation for service on the panel or on an advisory committee of the panel but may be reimbursed for travel and other reasonable and necessary expenses incurred in connection with the member's service on the panel or advisory committee as provided by the General Appropriations Act.

Sec. 1701.728.  ASSISTANCE BY COMMISSION. The commission shall provide facilities and administrative support as reasonably necessary for the panel to carry out its duties.

Sec. 1701.729.  STUDY. The panel shall study and make recommendations regarding the regulation of persons licensed under this chapter and entities authorized by law to employ those persons. In conducting the study, the panel shall consider the following:

(1)  the standards of conduct applicable to persons licensed under this chapter, including whether statewide standards should be developed and who should develop, review, and update those standards;

(2)  the education and training requirements for persons licensed under this chapter, including:

(A)  the requirements for the issuance of each type of license and the frequency with which those requirements are reviewed and updated; and

(B)  the continuing education requirements for each type of license and the frequency with which those requirements are reviewed and updated;

(3)  the commission's regulation of training programs and schools; and

(4)  the accountability to the public of persons licensed under this chapter and of entities authorized by law to employ persons licensed under this chapter, including:

(A)  the need for statewide standards applicable to the entities and who should develop, review, and update those standards;

(B)  changes to the commission's authority to discipline a license holder for violations of law or other misconduct;

(C)  appropriate procedures to protect a license holder's rights during a disciplinary proceeding;

(D)  the reporting of terminations under Subchapter J; and

(E)  the circumstances under which the commission may require a license holder to submit to an examination described by Section 1701.306.

Sec. 1701.730.  REPORT; CERTAIN VOTES REQUIRED. (a) Not later than June 1, 2024, the panel shall deliver a report to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, and the Sunset Advisory Commission on the areas of study described by Section 1701.729, including any legislative recommendations adopted by the panel.

(b)  A legislative recommendation may be adopted by a majority vote of a quorum of the panel.

(c)  The report under this section may be issued only if the report is adopted by a two-thirds vote of the total membership of the panel.

Sec. 1701.731.  EXPIRATION. The panel is abolished and this subchapter expires December 31, 2024.

SECTION 2.  Not later than September 1, 2023, the governor, lieutenant governor, and speaker of the house of representatives shall appoint members to the panel in accordance with Section 1701.722, Occupations Code, as added by this Act.

SECTION 3.  This Act takes effect September 1, 2023.