88R25604 JCG-D

By:  Holland H.B. No. 4873

Substitute the following for H.B. No. 4873:

By:  Guillen C.S.H.B. No. 4873

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of peace officers.

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

SECTION 1.  Subchapter D, Chapter 1701, Occupations Code, is amended by adding Sections 1701.165 and 1701.166 to read as follows:

Sec. 1701.165.  STANDARDS OF CONDUCT. (a) The commission by rule shall prescribe standards of conduct for officers.

(b)  The standards of conduct must establish minimum standards with respect to the following:

(1)  pursuit of a suspect;

(2)  arrest and control tactics;

(3)  executing high-risk warrants; and

(4)  conducting traffic stops, including a uniform standard for conducting a traffic stop for an offense punishable by fine only.

(c)  The commission shall biennially review and update the standards of conduct as necessary.

Sec. 1701.166.  SUBMISSION OF REVOKED LICENSE TO NATIONAL DATABASE. (a) In this section, "national misconduct database" means the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training, or a similar database selected by the commission that serves as a registry for the revocation of officer licenses in several jurisdictions based on misconduct committed by the officer.

(b)  The commission shall submit to the national misconduct database information necessary to create a record in the database for each officer license the commission revokes under Section 1701.501(a-1) or 1701.4521.

SECTION 2.  Subchapter E, Chapter 1701, Occupations Code, is amended by adding Sections 1701.2025 and 1701.2026 to read as follows:

Sec. 1701.2025.  PANEL TO INVESTIGATE VIOLATIONS OF STANDARDS OF CONDUCT. (a) The governor shall appoint a panel to investigate alleged violations of the standards of conduct adopted under Section 1701.165.

(b)  The panel consists of nine members appointed by the governor as follows:

(1)  one member of the commission, who serves as presiding officer of the panel;

(2)  one member of the Texas Indigent Defense Commission;

(3)  one peace officer licensed under this chapter 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, or its successor organization;

(4)  one peace officer licensed under this chapter 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, or its successor organization;

(5)  one peace officer licensed under this chapter from a list of three names provided by the president, or the president's designee, of the Sheriffs' Association of Texas, or its successor organization;

(6)  one peace officer licensed under this chapter from a list of three names provided by the president, or the president's designee, of the Texas Police Chiefs Association, or its successor organization; and

(7)  three persons, each of whom:

(A)  has been a resident of this state for at least one year before the date of appointment;

(B)  meets the minimum age for obtaining a license as an officer as provided by Section 1701.309; and

(C)  is not disqualified under this chapter from obtaining a license as an officer.

(c)  Members of the panel serve two-year terms.

(d)  The panel shall meet at the call of the presiding officer.

(e)  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.

Sec. 1701.2026.  ADMINISTRATIVE SUBPOENA. (a) In the investigation of an alleged violation of a standard of conduct adopted under Section 1701.165, the commission or the panel established under Section 1701.2025 may request and, if necessary, compel by subpoena:

(1)  the attendance of a witness for examination under oath;  and

(2)  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.

(b)  The commission or panel, as applicable, acting through the attorney general, may bring an action to enforce a subpoena issued under Subsection (a) against a person who fails to comply with the subpoena.

(c)  Venue for an action brought under Subsection (b) is in a district court in:

(1)  Travis County;  or

(2)  any county of proper venue as provided by Chapter 15, Civil Practices and Remedies Code.

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

(e)  The commission shall adopt rules for the attendance of a witness by videoconference in response to a subpoena issued under this section.

SECTION 3.  Subchapter G, Chapter 1701, Occupations Code, is amended by adding Section 1701.3135 to read as follows:

Sec. 1701.3135.  DISQUALIFICATION: REVOCATION OR SUSPENSION IN ANOTHER STATE. A person is disqualified to be an officer, and the commission may not issue an officer license to the person, if the person has been issued a license or other authorization to act as an officer in another state and the license or authorization was revoked or suspended.

SECTION 4.  Section 1701.501, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  Except as provided by Subsection (d) and Section 1701.5015, the commission may revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for violating a standard of conduct adopted under Section 1701.165.

SECTION 5.  Subchapter K, Chapter 1701, Occupations Code, is amended by adding Section 1701.5015 to read as follows:

Sec. 1701.5015.  PANEL APPROVAL REQUIRED FOR CERTAIN DISCIPLINARY ACTIONS. The commission may not take disciplinary action against an officer for an alleged violation of a standard of conduct adopted under Section 1701.165 unless the panel established under Section 1701.2025, by a two-thirds vote, determines the violation occurred and recommends the disciplinary action.

SECTION 6.  Not later than January 1, 2024, the Texas Commission on Law Enforcement shall:

(1)  prescribe the standards of conduct required by Section 1701.165, Occupations Code, as added by this Act; and

(2)  adopt the rules necessary to implement Chapter 1701, Occupations Code, as amended by this Act.

SECTION 7.  Not later than January 1, 2024, the governor shall appoint members to the panel established under Section 1701.2025, Occupations Code, as added by this Act.

SECTION 8.  Section 1701.3135, Occupations Code, as added by this Act, applies only to an application for an officer license submitted under Chapter 1701, Occupations Code, on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 9.  The standards of conduct required by Section 1701.165, Occupations Code, as added by this Act, apply only to conduct that occurs on or after January 1, 2024. Conduct that occurs before January 1, 2024, is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 10.  This Act takes effect September 1, 2023.