

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

1 governor, and one appointed by the speaker of the house of
2 representatives;

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

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

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

9 (6) as nonvoting members:

10 (A) the executive director of the commission; and

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

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

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

18 (2) one representative of a law enforcement agency.

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

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

26 Sec. 1701.724. OPEN MEETINGS; PUBLIC HEARINGS. (a) The
27 panel, and any advisory committee established by the panel, is

1 subject to Chapter 551, Government Code.

2 (b) Notwithstanding Chapter 551, Government Code, or any
3 other law, the panel and any advisory committee may meet by
4 telephone conference call, videoconference, or other similar
5 telecommunication method. A meeting held under this subsection by
6 telephone conference call, videoconference, or other similar
7 telecommunication method is subject to the requirements of Sections
8 551.125(c)-(f), Government Code.

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

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

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

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

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

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

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

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

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

8 (1) Travis County; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 Sec. 1701.730. REPORT; CERTAIN VOTES REQUIRED. (a) Not
5 later than June 1, 2024, the panel shall deliver a report to the
6 governor, the lieutenant governor, the speaker of the house of
7 representatives, each member of the legislature, and the Sunset
8 Advisory Commission on the areas of study described by Section
9 1701.729, including any legislative recommendations adopted by the
10 panel.

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

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

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

18 SECTION 2. Not later than September 1, 2023, the governor,
19 lieutenant governor, and speaker of the house of representatives
20 shall appoint members to the panel in accordance with Section
21 1701.722, Occupations Code, as added by this Act.

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