

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

1 licenses in several jurisdictions based on misconduct committed by  
2 the officer.

3 (b) The commission shall submit to the national misconduct  
4 database information necessary to create a record in the database  
5 for each officer license the commission revokes under Section  
6 1701.501(a-1) or 1701.4521.

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

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

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

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

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

20 (3) one peace officer licensed under this chapter  
21 selected from a list of six names provided to the governor by the  
22 president, or the president's designee, of the Combined Law  
23 Enforcement Associations of Texas, or its successor organization;

24 (4) one peace officer licensed under this chapter  
25 selected from a list of six names provided to the governor by the  
26 president, or the president's designee, of the Texas Municipal  
27 Police Association, or its successor organization;

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

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

9           (7) three persons, each of whom:

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

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

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

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

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

19           (e) A member of the panel is not entitled to compensation  
20 for service on the panel but is entitled to reimbursement for  
21 expenses incurred in performing official duties as a member of the  
22 panel, as provided by the General Appropriations Act.

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

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

3           (2) the production for inspection and copying of  
4 records, documents, and other evidence relevant to the  
5 investigation, including the personnel files and other employee  
6 records regarding the person who is the subject of the  
7 investigation.

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

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

14                   (1) Travis County; or

15                   (2) any county of proper venue as provided by Chapter  
16 15, Civil Practices and Remedies Code.

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

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

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

24           Sec. 1701.3135. DISQUALIFICATION: REVOCATION OR SUSPENSION  
25 IN ANOTHER STATE. A person is disqualified to be an officer, and  
26 the commission may not issue an officer license to the person, if  
27 the person has been issued a license or other authorization to act

1 as an officer in another state and the license or authorization was  
2 revoked or suspended.

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

5 (a-1) Except as provided by Subsection (d) and Section  
6 1701.5015, the commission may revoke or suspend a license, place on  
7 probation a person whose license has been suspended, or reprimand a  
8 license holder for violating a standard of conduct adopted under  
9 Section 1701.165.

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

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

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

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

22 (2) adopt the rules necessary to implement Chapter  
23 1701, Occupations Code, as amended by this Act.

24 SECTION 7. Not later than January 1, 2024, the governor  
25 shall appoint members to the panel established under Section  
26 1701.2025, Occupations Code, as added by this Act.

27 SECTION 8. Section 1701.3135, Occupations Code, as added by

1 this Act, applies only to an application for an officer license  
2 submitted under Chapter 1701, Occupations Code, on or after the  
3 effective date of this Act. An application submitted before the  
4 effective date of this Act is governed by the law in effect on the  
5 date the application was submitted, and the former law is continued  
6 in effect for that purpose.

7 SECTION 9. The standards of conduct required by Section  
8 1701.165, Occupations Code, as added by this Act, apply only to  
9 conduct that occurs on or after January 1, 2024. Conduct that  
10 occurs before January 1, 2024, is governed by the law in effect on  
11 the date the conduct occurred, and the former law is continued in  
12 effect for that purpose.

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