

## **BILL ANALYSIS**

C.S.H.B. 4614  
By: Harless  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that, while certain correctional officers currently attend schools specifically for officers and participate in continuing education programs to obtain and maintain a license, no state professional licensing pathway or procedures exist for state correctional officers. The bill author has also informed the committee that, while state correctional officers are responsible for inmate care and safety and are entrusted to combat the flow of contraband in state correctional facilities, these officers are not professionally licensed by the Texas Commission on Law Enforcement (TCOLE) like county jailers have been for many years. C.S.H.B. 4614 seeks to address these issues by establishing professional licensing procedures administered by TCOLE for state correctional officers, thereby creating hiring and educational standards similar to the procedures for other law enforcement officers in Texas.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Law Enforcement in SECTIONS 10 and 15 of this bill.

### **ANALYSIS**

C.S.H.B. 4614 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE) to issue a state correctional officer license to a person who does the following:

- submits an application;
- completes the training required under the bill's provisions;
- passes the required examination; and
- meets any other requirement under provisions governing law enforcement officers and the rules prescribed by TCOLE to qualify as a state correctional officer.

The bill defines "state correctional officer" as a person employed by the Texas Department of Criminal Justice (TDCJ) and whose primary responsibility is to supervise inmates within a correctional facility. The bill establishes that a person must meet the following criteria to be eligible for a state correctional officer license:

- have completed not less than 240 hours of training as determined by TCOLE;
- be at least 18 years old; and
- hold a high school diploma or high school equivalency certificate.

C.S.H.B. 4614 establishes that a state correctional officer who holds a permanent appointment on September 1, 2027, is not required to meet such eligibility requirements or the requirements

of the bill's provisions relating to the issuance of state correctional officer licenses as a condition of continued employment in that position.

C.S.H.B. 4614 requires TCOLE to issue a state correctional officer license to a person who holds a permanent appointment with TDCJ as a state correctional officer if the person does the following:

- submits an application for a license to TCOLE before September 1, 2027; and
- holds that position on the date the person submits the application.

The bill authorizes TCOLE and TDCJ to enter into a memorandum of understanding to implement this requirement. That requirement and the related authorization expire September 1, 2028. Accordingly, the bill specifies that a state correctional officer is included among the officers for whom TCOLE must establish reporting standards and procedures for appointment or employment and termination, establish and maintain training programs, and develop a risk assessment method to determine the relative performance of schools conducting applicable training courses. The bill specifies that a state correctional officer is included among the officers for whom TCOLE may do the following:

- establish minimum standards relating to competence and reliability, including education, training, physical, and mental standards, for licensing;
- require a state agency or county, special district, or municipality in Texas that employs officers to submit reports and information;
- issue or revoke the license of a school operated by or for the state or a political subdivision of the state specifically for training;
- operate schools and conduct preparatory, in-service, basic, and advanced courses in the schools, as TCOLE determines appropriate;
- consult and cooperate with certain entities concerning the development of schools and training programs;
- visit and inspect a school conducting a training course and make necessary evaluations to determine if the school complies with statutory provisions regarding law enforcement officers and with TCOLE rules;
- certify as a special officer for offenders with mental impairments, if the officer meets certain eligibility criteria; and
- issue a professional achievement or proficiency certificate, if the officer meets those criteria.

The bill also specifies that a state correctional officer is included among the officers for whom TCOLE is entitled to access records maintained under statutory provisions relating to required license applications and the duties of an appointing entity and psychological and physical examinations of a license applicant, including records that relate to age, education, physical standards, citizenship, experience, and other matters relating to competence and reliability, as evidence of qualification for licensing.

C.S.H.B. 4614 establishes that provisions governing law enforcement officers do not prevent an employing agency from establishing qualifications and standards for hiring or training state correctional officers that exceed TCOLE's minimum standards.

C.S.H.B. 4614 expands the officers for which TCOLE must adopt rules for issuing professional achievement awards to include state correctional officers licensed by TCOLE.

Effective September 1, 2027, C.S.H.B. 4614 does the following:

- prohibits a person from appointing or employing a person to serve as a state correctional officer unless that person holds the state correctional officer license issued by TCOLE; and
- includes a state correctional officer among the persons of whom appointment or retention in violation of the bill's license requirement or provisions relating to required license applications and duties of an appointing entity or psychological and physical examinations of a license applicant constitutes an offense.

C.S.H.B. 4614 establishes that TDCJ is considered a law enforcement agency for purposes of provisions relating to the following:

- TCOLE's entitlement to access certain records and the requirement for TCOLE to audit those records at least once every five years;
- preemployment procedures for law enforcement agencies; and
- the requirement for TCOLE to adopt a model policy establishing procedures regarding misconduct investigations and hiring procedures.

C.S.H.B. 4614 requires TCOLE, not later than March 1, 2027, to adopt rules, standards, and procedures necessary to implement the bill's provisions.

### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2026.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 4614 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute establish that a state correctional officer who holds a permanent appointment on a certain date is not required to meet requirements established by the bill's provisions relating to the minimum eligibility for a state correctional officer license as a condition of continued employment in that position. However, the versions differ in the following ways:

- the substitute replaces the introduced version's specification that the officer is an officer who holds a permanent appointment on September 1, 2026, with a specification that the officer is an officer who holds a permanent appointment on September 1, 2027; and
- the substitute establishes that such an officer is also not required to meet the requirements of the bill's provisions relating to the issuance of state correctional officer licenses as a condition of continued employment in that position, whereas the introduced did not.

Both the introduced and the substitute require TCOLE to issue a state correctional officer license to an otherwise eligible person who submits an application for a license to TCOLE before a certain date. However, the substitute changes that date from September 1, 2026, as in the introduced, to September 1, 2027. Additionally, while both the introduced and the substitute authorize TCOLE and TDCJ to enter into a memorandum of understanding to implement this requirement and establish that the requirement and the related authorization expire on a certain date, the substitute changes that date from September 1, 2027, as in the introduced, to September 1, 2028.

The introduced revised the requirements relating to TCOLE's adoption of rules for issuing achievement awards to certain employees who are licensed by TCOLE as follows:

- removed custodial officers from the employees for whom TCOLE must issue achievement awards; and
- specified that the requirement for the rules to require recommendations from certain entities includes recommendations from a state agency.

The substitute does not revise those requirements in this manner.

The substitute includes provisions absent from the introduced specifying that a state correctional officer is included among the officers for whom TCOLE may certify as a special officer for offenders with mental impairments, if the officer meets certain eligibility criteria, and issue a professional achievement or proficiency certificate, if the officer meets those criteria. The substitute also includes provisions absent from the introduced specifying that a state correctional

officer is included among the officers for whom TCOLE is entitled to access records maintained under statutory provisions relating to required license applications and the duties of an appointing entity and psychological and physical examinations of a license applicant, including records that relate to age, education, physical standards, citizenship, experience, and other matters relating to competence and reliability, as evidence of qualification for licensing.

The substitute changes the effective date of the bill's provisions that do the following from September 1, 2026, as in the introduced, to September 1, 2027:

- prohibit a person from appointing or employing a person to serve as a state correctional officer unless that person holds a certain state correctional officer license; and
- include a state correctional officer among the persons of whom appointment or retention in violation of that prohibition or other applicable provisions constitutes an offense under provisions governing law enforcement officers.

The substitute includes provisions absent from the introduced establishing that TDCJ is considered a law enforcement agency for purposes of provisions relating to the following:

- TCOLE's entitlement to access certain records and the requirement for TCOLE to audit those records at least once every five years;
- preemployment procedures for law enforcement agencies; and
- the requirement for TCOLE to adopt a model policy establishing procedures regarding misconduct investigations and hiring procedures.

The substitute changes the deadline by which TCOLE must adopt rules, standards, and procedures necessary to implement the bill's provisions from March 1, 2026, as in the introduced, to March 1, 2027.

The substitute changes the bill's effective date from, except as otherwise provided, September 1, 2025, as in the introduced, to, except as otherwise provided, September 1, 2026.