

By: Harless

H.B. No. 4614

Substitute the following for H.B. No. 4614:

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C.S.H.B. No. 4614

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of state correctional officers and the employment of those officers; requiring an occupational license.

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

SECTION 1. Section 1701.001, Occupations Code, is amended by adding Subdivision (6-a) to read as follows:

(6-a) "State correctional officer" means a person employed by the Texas Department of Criminal Justice and whose primary responsibility is to supervise inmates within a correctional facility.

SECTION 2. Section 1701.003(c), Occupations Code, is amended to read as follows:

(c) This chapter does not prevent an employing agency from establishing qualifications and standards for hiring or training officers, state correctional officers, county jailers, or telecommunicators that exceed the commission's minimum standards.

SECTION 3. Section 1701.151, Occupations Code, is amended to read as follows:

Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING AUTHORITY. The commission may:

(1) adopt rules for the administration of this chapter and for the commission's internal management and control;

(2) establish minimum standards relating to

1 competence and reliability, including education, training,
2 physical, and mental standards, for licensing as an officer, state
3 correctional officer, county jailer, public security officer, or
4 telecommunicator;

5 (3) report to the governor and legislature on the
6 commission's activities, with recommendations on matters under the
7 commission's jurisdiction, and make other reports that the
8 commission considers desirable;

9 (4) require a state agency or a county, special
10 district, or municipality in this state that employs officers,
11 state correctional officers, telecommunicators, or county jailers
12 to submit reports and information;

13 (5) contract as the commission considers necessary for
14 services, facilities, studies, and reports required for:

15 (A) cooperation with municipal, county, special
16 district, state, and federal law enforcement agencies in training
17 programs; and

18 (B) performance of the commission's other
19 functions; and

20 (6) conduct research and stimulate research by public
21 and private agencies to improve law enforcement and police
22 administration.

23 SECTION 4. Section [1701.153\(a\)](#), Occupations Code, is
24 amended to read as follows:

25 (a) The commission shall establish reporting standards and
26 procedures for:

27 (1) the appointment or employment and the termination

of officers, state correctional officers, county jailers, and telecommunicators by law enforcement agencies;

(2) the activities of licensed training schools; and

(3) other matters the commission considers necessary for the administration of this chapter.

SECTION 5. Section 1701.162, Occupations Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The commission is entitled to access records maintained under Sections 1701.303, 1701.306, and 1701.310 by an agency hiring a person to be an officer, state correctional officer, or county jailer, 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 of an officer, state correctional officer, or county jailer.

(d) For purposes of this section, the Texas Department of Criminal Justice is considered a law enforcement agency.

SECTION 6. Sections 1701.251(a) and (c), Occupations Code, are amended to read as follows:

(a) The commission shall establish and maintain training programs for officers, state correctional officers, county jailers, and telecommunicators. The training shall be conducted by the commission staff or by other agencies and institutions the commission considers appropriate.

(c) The commission may:

(1) issue or revoke the license of a school operated by

1 or for this state or a political subdivision of this state
2 specifically for training officers, state correctional officers,
3 county jailers, recruits, or telecommunicators;

4 (2) operate schools and conduct preparatory,
5 in-service, basic, and advanced courses in the schools, as the
6 commission determines appropriate, for officers, state
7 correctional officers, county jailers, recruits, and
8 telecommunicators;

9 (3) issue a license to a person to act as a qualified
10 instructor under conditions that the commission prescribes; and

11 (4) consult and cooperate with a municipality, county,
12 special district, state agency or other governmental agency, or a
13 university, college, junior college, or other institution,
14 concerning the development of schools and training programs for
15 officers, state correctional officers, county jailers, and
16 telecommunicators.

17 SECTION 7. Sections 1701.254(a) and (b), Occupations Code,
18 are amended to read as follows:

19 (a) The commission may visit and inspect a school conducting
20 a training course for officers, state correctional officers, county
21 jailers, telecommunicators, or recruits and make necessary
22 evaluations to determine if the school complies with this chapter
23 and commission rules.

24 (b) The commission shall develop a risk assessment method to
25 determine the relative performance of schools conducting training
26 courses for officers, state correctional officers, county jailers,
27 telecommunicators, or recruits. The commission shall base its

1 schedule for inspection of schools on the results of the risk
2 assessment.

3 SECTION 8. Section 1701.301, Occupations Code, is amended
4 to read as follows:

5 Sec. 1701.301. LICENSE REQUIRED. Except as provided by
6 Sections 1701.310, 1701.311, and 1701.405, a person may not appoint
7 or employ a person to serve as an officer, state correctional
8 officer, county jailer, school marshal, public security officer, or
9 telecommunicator unless the person holds an appropriate license
10 issued by the commission.

11 SECTION 9. Subchapter G, Chapter 1701, Occupations Code, is
12 amended by adding Sections 1701.3072 and 1701.3096 to read as
13 follows:

14 Sec. 1701.3072. ISSUANCE OF STATE CORRECTIONAL OFFICER
15 LICENSE. The commission shall issue a state correctional officer
16 license to a person who:

- 17 (1) submits an application;
18 (2) completes the training required under Section
19 1701.3096;
20 (3) passes the required examination; and
21 (4) meets any other requirement of this chapter and
22 the rules prescribed by the commission to qualify as a state
23 correctional officer.

24 Sec. 1701.3096. MINIMUM ELIGIBILITY FOR STATE CORRECTIONAL
25 OFFICER LICENSE. (a) To be eligible for a state correctional
26 officer license, a person must:

- 27 (1) have completed not less than 240 hours of training

1 as determined by the commission;

2 (2) be at least 18 years old; and

3 (3) hold a high school diploma or high school
4 equivalency certificate.

5 (b) A state correctional officer who holds a permanent
6 appointment on September 1, 2027, is not required to meet the
7 requirements of Section 1701.3072 or Subsection (a) as a condition
8 of continued employment in that position.

9 (c) The commission shall issue a state correctional officer
10 license to a person who holds a permanent appointment with the Texas
11 Department of Criminal Justice as a state correctional officer if
12 the person:

13 (1) submits an application for a license to the
14 commission under this section before September 1, 2027; and

15 (2) holds that position on the date the person submits
16 the application.

17 (d) The commission and the Texas Department of Criminal
18 Justice may enter into a memorandum of understanding to implement
19 Subsection (c). Subsection (c) and this subsection expire
20 September 1, 2028.

21 SECTION 10. Section 1701.401(c), Occupations Code, is
22 amended to read as follows:

23 (c) The commission shall adopt rules for issuing
24 achievement awards to peace officers, reserve peace officers, state
25 correctional officers, county jailers, custodial officers, or
26 telecommunicators who are licensed by the commission. The
27 commission's rules shall require recommendations from an elected

1 official of this state or a political subdivision, an administrator
2 of a law enforcement agency, or a person holding a license issued by
3 the commission.

4 SECTION 11. Sections 1701.404(b) and (c), Occupations Code,
5 are amended to read as follows:

6 (b) The commission may certify a sheriff, sheriff's deputy,
7 constable, other peace officer, state correctional officer, county
8 jailer, or justice of the peace as a special officer for offenders
9 with mental impairments if the person:

10 (1) completes a training course in emergency first aid
11 and lifesaving techniques approved by the commission;

12 (2) completes a training course administered by the
13 commission on mental health issues and offenders with mental
14 impairments; and

15 (3) passes an examination administered by the
16 commission that is designed to test the person's:

17 (A) knowledge and recognition of the
18 characteristics and symptoms of mental illness, intellectual
19 disabilities, and developmental disabilities; and

20 (B) knowledge of mental health crisis
21 intervention strategies for people with mental impairments.

22 (c) The commission may issue a professional achievement or
23 proficiency certificate to an officer, state correctional officer,
24 county jailer, or justice of the peace who meets the requirements of
25 Subsection (b).

26 SECTION 12. Section 1701.451, Occupations Code, is amended
27 by adding Subsection (g) to read as follows:

1 (g) For purposes of this section, the Texas Department of
2 Criminal Justice is considered a law enforcement agency.

3 SECTION 13. Section 1701.4522, Occupations Code, is amended
4 by adding Subsection (f) to read as follows:

5 (f) For purposes of this section, the Texas Department of
6 Criminal Justice is considered a law enforcement agency.

7 SECTION 14. Section 1701.551(a), Occupations Code, is
8 amended to read as follows:

9 (a) A person commits an offense if the person appoints or
10 retains another person as an officer, state correctional officer,
11 county jailer, or telecommunicator in violation of Section
12 1701.301, 1701.303, 1701.306, or 1701.405.

13 SECTION 15. Not later than March 1, 2027, the Texas
14 Commission on Law Enforcement shall adopt rules, standards, and
15 procedures necessary to implement Chapter 1701, Occupations Code,
16 as amended by this Act.

17 SECTION 16. (a) Except as provided by Subsection (b) of
18 this section, this Act takes effect September 1, 2026.

19 (b) Sections 1701.301 and 1701.551(a), Occupations Code, as
20 amended by this Act, take effect September 1, 2027.