

## **BILL ANALYSIS**

C.S.H.B. 1338

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Emerging Issues In Texas Law Enforcement, Select  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

A person with an acquired brain injury or a traumatic brain injury can experience symptoms ranging from repeated vomiting or nausea, dilation of one or both pupils of the eyes, loss of coordination, profound confusion, agitation, combativeness, slurred speech, or other unusual behavior. Interested parties contend that misunderstanding the root cause of these symptoms can create dangerous situations for such a person seeking to re-integrate into a community after combat, hospitalization, or treatment. C.S.H.B. 1338 seeks to provide peace officers and first responders with a better understanding of these injuries.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1338 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE), in collaboration with the office of acquired brain injury of the Health and Human Services Commission and the Texas Traumatic Brain Injury Advisory Council, to establish and maintain a training program for peace officers and first responders that provides information on the effects of an acquired brain injury and of a traumatic brain injury and on techniques to interact with persons who have such an injury. The bill requires TCOLE, in collaboration with the Texas Veterans Commission, to establish and maintain a training program for peace officers that provides information on veterans, as defined by the bill, with combat-related trauma, post-traumatic stress, post-traumatic stress disorder, or a traumatic brain injury. The bill requires TCOLE to begin offering the training programs not later than September 1, 2017.

C.S.H.B. 1338 requires TCOLE to establish a continuing education program relating to the identification of veterans affected by trauma and intervention and de-escalation techniques to facilitate interaction with veterans affected by trauma. The bill prohibits an officer from completing the training by taking an online course and requires TCOLE, in collaboration with the Texas Veterans Commission, to approve the curriculum for the continuing education program not later than December 31, 2015.

### **EFFECTIVE DATE**

September 1, 2015.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1338 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0208 to read as follows:

Sec. 411.0208. ACQUIRED AND TRAUMATIC BRAIN INJURIES TRAINING.

The department, in collaboration with the office of acquired brain injury of the Health and Human Services Commission and the Texas Traumatic Brain Injury Advisory Council, shall establish and maintain a training program for peace officers and first responders that provides information on:

- (1) the effects of an acquired brain injury and of a traumatic brain injury; and
- (2) techniques to interact with persons who have an acquired brain injury or a traumatic brain injury.

No equivalent provision.

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Sections 1701.261 and 1701.262 to read as follows:

Sec. 1701.261. ACQUIRED AND TRAUMATIC BRAIN INJURIES TRAINING. (a) In this section, "first responder" has the meaning assigned by Section 421.095, Government Code.

(b) The commission, in collaboration with the office of acquired brain injury of the Health and Human Services Commission and the Texas Traumatic Brain Injury Advisory Council, shall establish and maintain a training program for peace officers and first responders that provides information on:

- (1) the effects of an acquired brain injury and of a traumatic brain injury; and
- (2) techniques to interact with persons who have an acquired brain injury or a traumatic brain injury.

Sec 1701.262. TRAUMA AFFECTED VETERANS TRAINING. (a) In this section, "veteran" means a person who has served in:

- (1) the army, navy, air force, coast guard, or marine corps of the United States; or
  - (2) the Texas National Guard as defined by Section 431.001, Government Code.
- (b) The commission, in collaboration with the Texas Veterans Commission, shall establish and maintain a training program for peace officers that provides information on veterans with combat-related trauma, post-traumatic stress, post-traumatic stress disorder, or a traumatic brain injury.

SECTION 2. Section 1701.352, Occupations Code, is amended by adding Subsection (j) to read as follows:

(j) The commission shall establish a continuing education program relating to the identification of veterans affected by trauma and intervention and de-escalation techniques to facilitate interaction with

veterans affected by trauma. An officer may not complete the training under this subsection by taking an online course.

No equivalent provision.

SECTION 2. Not later than September 1, 2017, the Department of Public Safety shall begin offering the training program described by Section 411.0208, Government Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 3. Not later than December 31, 2015, the Texas Commission on Law Enforcement, in collaboration with the Texas Veterans Commission, shall approve the curriculum for the continuing education program described by Section 1701.352(j), Occupations Code, as added by this Act.

SECTION 4. Not later than September 1, 2017, the Texas Commission on Law Enforcement shall begin offering the training programs described by Sections 1701.261 and 1701.262, Occupations Code, as added by this Act.

SECTION 5. Same as introduced version.