

BILL ANALYSIS

C.S.H.B. 3712
By: Thompson, Ed
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

One of the state's most critical functions is overseeing public safety, both by ensuring that Texans feel safe in their homes, workplaces, and places of worship and by supporting members of law enforcement throughout Texas. One of the ways the state can best support law enforcement is to ensure that peace officers have access to adequate training. In order to support and prepare peace officers in Texas for the high stakes threats and situations they face throughout the course of their careers, officers should be provided state-sponsored training and law enforcement agencies should have the resources necessary to adequately train new officers. In addition to supportive training, the state must ensure that law enforcement agencies have access to strong model policies that include guidance on topics such as use of force, background checks, and other preemployment investigations meant to aid in hiring decisions. Effective training and best practices for the peace officer hiring process will strengthen public confidence in law enforcement and make certain that officers have the skills and acumen to perform their duties effectively. Acknowledging that fact, C.S.H.B. 3712 seeks to strengthen and make the training for peace officers more uniform statewide by establishing content requirements for the basic peace officer training program and providing for the development of model training curriculum and policies for peace officers and law enforcement agencies. Additionally, C.S.H.B. 3712 seeks to ensure that agencies are properly conducting preemployment investigations to strengthen their hiring processes by providing for the development of a model policy for these investigations.

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. 3712 amends the Occupations Code to require the basic peace officer training course required as part of the Texas Commission on Law Enforcement (TCOLE) peace officer training program to be no less than 720 hours and to include training on the following:

- the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint by an officer in searching or arresting a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person;
- the duty of an officer acting in an official capacity to intervene to stop or prevent another officer from using force against a person suspected of committing an offense if the scene

is secure and the amount of force exceeds that which the officer reasonably believes is necessary under the circumstances; and

- the duty of an officer acting in an official capacity to render aid to a person who has suffered serious bodily injury from the use of force, unless the officer reasonably believes the provision of aid is likely to cause serious bodily injury to or the death of the officer or another person.

The bill requires TCOLE, not later than January 1, 2022, to modify the curriculum of the basic peace officer training course as necessary to comply with these requirements. The revised minimum hour and content requirements apply only to a person who first begins the course on or after July 1, 2022.

C.S.H.B. 3712 requires TCOLE, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT) and other interested parties chosen by TCOLE, to do the following:

- develop and maintain a model training curriculum and model policies for law enforcement agencies and peace officers; and
- develop and make available to all law enforcement agencies in Texas not later than January 1, 2022, a model policy for the preemployment investigation of a licensed peace officer.

C.S.H.B. 3712 requires the model training curriculum and policies to include the following:

- curriculum and policies for field training programs;
- curriculum and policies for banning the use of a choke hold, carotid artery hold, or similar neck restraint by an officer in searching or arresting a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person;
- curriculum and policies regarding the duty of an officer acting in an official capacity to intervene to stop or prevent another officer from using force against a person suspected of committing an offense if the scene is secure and the amount of force exceeds that which the officer reasonably believes is necessary under the circumstances;
- curriculum and policies regarding the duty of an officer acting in an official capacity to render aid to a person who has suffered serious bodily injury from the use of force, unless the officer reasonably believes the provision of aid is likely to cause serious bodily injury to or the death of the officer or another person; and
- curriculum and policies on the use of deadly force by peace officers.

The bill requires each law enforcement agency in Texas, not later than the 180th day after the date TCOLE provides the model policies, to adopt a policy on the topics covered by those policies. An agency may adopt the TCOLE-developed model policies.

C.S.H.B. 3712 requires the model policy on preemployment investigations to incorporate the following:

- the duties and responsibilities under applicable law of a law enforcement agency or governmental entity that hires or appoints an officer;
- the request, analysis, and use of any employment termination report or criminal background check information obtained as part of the preemployment investigation process; and
- any other information TCOLE considers necessary to conduct a preemployment investigation of a person.

C.S.H.B. 3712 requires TCOLE to specify the mandated topics to be covered in up to 16 hours of the 40 required hours of continuing education programs for peace officers before the first day of each 24-month training unit during which peace officers are required to complete the programs.

C.S.H.B. 3712 establishes that TCOLE is required to implement a provision of the bill only if the legislature appropriates money specifically for that purpose.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3712 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute makes the following changes to the original:

- includes content requirements for the basic peace officer training course that were not in the original;
- expands the scope of the requirement to develop and maintain a model training curriculum and model policies from training curriculum and policies for only peace officers who conduct field training, as in the original, to training curriculum and policies for law enforcement agencies and all peace officers and includes content requirements for the curriculum and policies that were not in the original;
- includes a requirement for TCOLE to consult with LEMIT and other interested parties in developing, maintaining, and making available, as applicable, the model training curriculum and policies and the model policy on preemployment investigations, whereas the original did not require any consultation;
- includes a requirement absent from the original for each law enforcement agency in Texas to adopt a policy on the topics of the model peace officer training curriculum and policies, with the option to adopt the TCOLE-developed policies; and
- includes a provision absent from the original making the implementation of a provision of the bill by TCOLE mandatory only if a specific appropriation is made for that purpose.