

SUBJECT: Physical fitness standards for state law enforcement officers

COMMITTEE: Law Enforcement — committee substitute recommended

VOTE: 6 ayes — Driver, Latham, Allen, Frost, Ortiz, Vo
0 nays
1 absent — West

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — Gary Chandler, Brian Hawthorne, Texas Department of Public Safety Officers Association; Malcom Wilkes, Texas Game Wardens Peace Officers Association

Against — (*Registered, but did not testify*: Donald W. Dickson, Texas State Troopers Association)

On — Ray Allen, Texas Game Wardens Peace Officers Association; Phillip Ayala, Paula Logan, Texas Department of Public Safety; Cinda Brooks, Randall K. Odom, Texas Parks and Wildlife Law Enforcement Division

BACKGROUND: Rider 52 under the Department of Public Safety budget in the general appropriations act for fiscal 2006-07 — SB 1 by Ogden, enacted in 2005 by the 79th Legislature — requires the agency to develop physical fitness and appearance standards for commissioned peace officers receiving a pay increase or promotion as authorized in Article I, sec. 2.01, schedule C of the appropriations act. The rider required that the standards become effective on August 31, 2006.

DIGEST: CSSB 1722 would add Government Code, ch. 614, requiring that DPS, the Texas Alcoholic Beverage Commission (TABC), the Texas Department of Criminal Justice (TDCJ), and the Texas Parks and Wildlife Department (TPWD) institute physical fitness standards that law enforcement officers would have to meet to continue their employment.

The standards would have to be directly related to the law enforcement officer's job duties, and the law enforcement agency would be authorized to use a consultant to develop the standards.

Violation of the standards would require transfer of an officer to a position not classified as a law enforcement officer. An agency could exempt an officer who was injured in the line of duty from the standards.

The bill would take effect on September 1, 2007. DPS, TABC, TDCJ, and TPWD would be required to adopt standards, test all law enforcement officers, and report to the governor and legislative leadership on the standards and rate of compliance by November 1, 2008.

**SUPPORTERS
SAY:**

CSSB 1722 would ensure that all state law enforcement officers meet strict and demanding physical fitness standards so that they can serve and protect the citizens of the state. The requirements should apply uniformly to officers of all ranks and ages, who should be ready and able to perform their duties.

Although DPS troopers were initially concerned about the ramifications of failing to meet the standards, their preparation for a trial run made more officers, particularly the older ones, more conscious about their overall fitness and health. Few officers failed to meet standards set in these preparatory tests, and those who cannot meet the standards should ultimately have to find another job if they are unable to effectively serve and protect the public in crises.

The House committee substitute deleted the physical appearance requirements from the Senate version of the bill and would allow agencies to adopt their own standards to meet the duties of their officers. It also would provide protection for those who could not meet the standards because they were injured in the line of duty.

CSSB 1722 would give all agencies until November 1, 2008, to develop standards to meet the job responsibilities of their officers. Additional review would ensure that the standards were reasonable and not all agencies would have to follow the DPS guidelines.

**OPPONENTS
SAY:**

No apparent opposition

NOTES:

The House committee substitute differs from the Senate-passed version of the bill by deleting provisions that would require all law enforcement agencies to adopt “appearance standards” and that all standards be at least as stringent as those adopted by DPS. The House committee substitute would set the deadline for compliance at November 1, 2008, rather than November 1, 2007.

The Legislative Budget Board estimates the bill would have no significant fiscal impact. TABC and TPWD estimate it would cost \$70,000 and \$72,000, respectively, in fiscal 2008 to develop the standards, but such costs could be absorbed within the agencies’ existing budgets.