

SUBJECT: Revising TCLEOSE license application procedures

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 8 ayes — S. Miller, Fletcher, Beck, Burnam, Flynn, Mallory Caraway, Peña, Walle

0 nays

1 absent — Driver

SENATE VOTE: On final passage, March 24 — 31-0, on Local and Uncontested Calendar

WITNESSES: (*On House companion bill, HB 621:*)
For — (*Registered, but did not testify:* Lon Craft, Texas Municipal Police Association; Chris Jones, Combined Law Enforcement Associations of Texas)

Against — None

On — Timothy Braaten, Chris Davis, Texas Commission on Law Enforcement Officer Standards and Education; (*Registered, but did not testify:* Joe Lovelace, Texas Council of Community Centers)

BACKGROUND: The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was established in 1965 to set voluntary training and education standards for law enforcement. In 1969, standards for peace officers were made mandatory, followed by regulation of county jailers and telecommunicators.

In 2009, the Legislature enacted HB 3389 by Harper-Brown, the Sunset bill that continued TCLEOSE until September 1, 2021, and made several changes in the operation of the agency, including the licensing procedures for peace officers and other law enforcement agency personnel.

DIGEST: SB 542 would amend Occupations Code, ch. 1701, to delete the option for a physician to use a physical examination, rather than a blood or other medical test, to determine whether a person seeking a TCLEOSE license

used illegal drugs or was drug dependent.

The bill would also make several other changes in Occupations Code, ch. 1701, to reflect changes made in 2009 by HB 3389, including provisions that would:

- delete references to ex officio members of the commission removed by the Sunset bill, including repeal of Occupations Code, sec. 1701.055 (d), which stipulates that those ex officio members cannot vote at board meetings;
- change references to peace officers to include other personnel licensed by TCLEOSE;
- allow some law enforcement agencies up to 48 months to comply with requirements that 80 percent of those completing their training pass the TCLEOSE licensing examination; and
- tie the Occupations Code section that requires police chiefs to complete initial training and continuing education with the Education Code provisions that set the requirements for those courses.

The bill would take effect on September 1, 2011.

**SUPPORTERS
SAY:**

SB 542 would improve the TCLEOSE licensing process by specifically requiring applicants to undergo a blood or other chemical screening to determine drug use. Currently, physicians may certify that the candidate is not a habitual drug user merely by making a visual examination. The bill would require a more accurate scientific testing process.

SB 542 also would make a series of changes to clean up Occupations Code, ch. 1701 to reflect changes made by last session's Sunset bill and current TCLEOSE practices. The statute should reflect that TCLEOSE licenses personnel besides peace officers and that its board no longer includes ex officio officers. The change in the reporting requirements would reflect current practice. Making reference to the mandated police chief training in the Education Code would keep the Occupations Code current whenever those requirements were changed elsewhere in the statutes.

**OPPONENTS
SAY:**

No apparent opposition

NOTES:

The House companion bill, HB 621 by Fletcher, was considered in a public hearing and reported favorably, as substituted, by the House Homeland Security and Public Safety Committee on March 22.