

BILL ANALYSIS

Senate Research Center

S.B. 366
By: Armbrister
State Affairs
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As Filed

DIGEST

The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was created in 1965 by the 59th Legislature. TCLEOSE is responsible for developing training and certification standards for peace officers to improve law enforcement in Texas. TCLEOSE is subject to the Sunset Act and will be abolished September 1, 1997, unless continued by the legislature. As a result of its review of TCLEOSE, the Sunset Advisory Commission recommended continuation and several statutory modifications that are contained in this legislation.

PURPOSE

As proposed, S.B. 366 continues the Texas Commission on Law Enforcement Officer Standards and Education for a 12-year period and makes statutory modification recommended by the Sunset Advisory Commission.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Commission on Law Enforcement Officer Standards and Education in SECTIONS 7, 8, and 13 (Sections 415.009, 415.0101, and 415.0315, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 415.003, Government Code, regarding the application of the Sunset Provision. Requires this chapter to expire September 1, 2009, rather than September 1, 1997, unless the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) is continued in existence.

SECTION 2. Amends Sections 415.004(a) and (b), Government Code, to update standard language developed by the Sunset Commission regarding the composition of TCLEOSE.

SECTION 3. Amends Section 415.005, Government Code, to update standard language developed by the Sunset Commission regarding conflicts of interest. Establishes persons who are ineligible to be members of TCLEOSE. Describes a Texas trade association.

SECTION 4. Amends Section 415.006, Government Code, to update standard language developed by the Sunset Commission regarding grounds for removal.

SECTION 5. Amends Chapter 415A, Government Code, to add standard language developed by the Sunset Commission regarding training.

SECTION 6. Amends Section 415.007, Government Code, to add standard language developed by the Sunset Commission regarding the commission officers, quorum, and voting.

SECTION 7. Amends Section 415.009, Government Code, to add standard language developed by the Sunset Commission regarding meetings.

SECTION 8. Amends Chapter 415A, Government Code, by adding Section 415.0101, to add standard language developed by the Sunset Commission regarding policy-making responsibilities.

SECTION 9. Amends Chapter 415A, Government Code, by adding Section 415.0105 to add standard language developed by the Sunset Commission regarding employment qualifications.

SECTION 10. Amends Section 415.011, Government Code, to update and add standard language developed by the Sunset Commission regarding an annual financial report.

SECTION 11. Amends Section 415.013, Government Code, to update standard language developed by the Sunset Commission regarding employment policies.

SECTION 12. Amends Chapter 415A, Government Code, by adding Section 415.0145, to add standard language developed by the Sunset Commission regarding accessibility.

SECTION 13. Amends Chapter 415B, Government Code, by adding Section 415.0315, as follows:

Sec. 415.0315. INSPECTIONS. Requires TCLEOSE to develop a risk assessment method to determine the relative performance of schools conducting training courses for officers, county jailers, or recruits. Requires TCLEOSE to base its schedule for inspection of schools on the results of its risk assessment. Sets forth requirements for consideration of the risk assessment method.

SECTION 14. Amends Chapter 415C, Government Code, by adding Section 415.0595, to update standard language developed by the Sunset Commission regarding complaints.

SECTION 15. Amends Section 415.060(b) and (c), Government Code, to delete the requirement for TCLEOSE to keep an information file about complaints filed that relate to a licensee. Deletes text relating to written complaints filed with TCLEOSE. Makes nonsubstantive changes.

SECTION 16. Amends Chapter 415C, Government Code, by adding Section 415.0605, to add standard language developed by the Sunset Commission regarding hearings.

SECTION 17. Requires the changes to TCLEOSE member qualifications to apply only to TCLEOSE members appointed on or after August 29, 1997. Provides that this Act does not prohibit reappointments to TCLEOSE if the person meets the qualifications to serve.

SECTION 18. Requires the governor to appoint members to TCLEOSE according to a staggered schedule. Requires the members appointed in 1997 to serve two-year terms and one to serve a full six-year term. Requires the governor to appoint members whose terms are to expire August 30, 2001, August 30, 2003, and August 30, 2005. Requires one of the two members appointed in 2001 to serve a two-year term and the other to serve a full six-year term. Provides that a term not addressed by this Act is a full six-year term.

SECTION 19. Effective date: August 29, 1997.

SECTION 20. Emergency clause.