

BILL ANALYSIS

Senate Research Center
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S.B. 542
By: Hegar
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 542 is a clean-up bill that seeks to strike references to *ex officio* members who are no longer eligible to serve on the Texas Commission on Law Enforcement Officer Standards and Education; remove extraneous language; make clear that prospective licensees must pass a drug screening; make clear that county jailers must complete their continuing education requirements every 48 months; and add existing continuing education requirements for police chiefs to the Occupations Code.

As proposed, S.B. 542 amends current law relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission of Law Enforcement Officer Standards and Education is modified in SECTION 6 (Section 1701.353, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1701.055(c), Occupations Code, to provide that five members of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) constitute a quorum, rather than five members excluding *ex officio* members constitute a quorum.

SECTION 2. Amends Sections 1701.306(a) and (b), Occupations Code, as follows:

(a) Prohibits TCLEOSE from issuing a license to a person, rather than a license to a person as an officer or county jailer, unless the person is examined by:

(1) a licensed psychologist or by a psychiatrist who declares in writing that the person is in satisfactory psychological and emotional health to serve as the type of officer for which a license is sought; and

(2) a licensed physician who declares in writing that the person does not show any trace of drug dependency or illegal drug use after a blood test or other medical test, rather than after a physical examination, blood test, or other medical test.

(b) Requires an agency hiring a person for whom a license is sought to select the examining physician and the examining psychologist or psychiatrist. Requires the agency to prepare a report of each declaration required by Subsection (a) and to maintain a copy of the report on file in a format readily accessible to the TCLEOSE. Provides that a declaration is not public information. Makes a conforming change.

SECTION 3. Amends Section 1701.310(e), Occupations Code, as follows:

(e) Provides that a person trained and certified by the Texas Department of Criminal Justice to serve as a corrections officer in that agency's correctional institutions division is not required to complete the training requirements of this section to be appointed a

part-time county jailer. Provides that examinations under Section 1701.304 (Examination) and psychological examinations, rather than psychological and physical examinations, under 1701.306 (Psychological and Physical) apply.

SECTION 4. Amends Subchapter H, Chapter 1701, Occupations Code, by adding Section 1701.3515, as follows:

Sec. 1701.3515. CONTINUING EDUCATION REQUIRED FOR COUNTY JAILERS. Requires each county jailer to complete a program described by Section 1701.352(b) at least once every 48 months. Authorizes TCLEOSE to suspend the license of a county jailer who fails to comply with this requirement.

SECTION 5. Amends Section 1701.352(b), Occupations Code, as follows:

(b) Requires TCLEOSE to require a state, county, special district, or municipal agency that appoints or employs peace officers or county jailers to provide each peace officer or county jailer with a training program at least once every 48 months that is approved by TCLEOSE and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate or a county jailer, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by TCLEOSE regarding certain content, including, unless determined by the agency head to be inconsistent with the officer's or jailer's assigned duties, the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault, and issues concerning sex offenders characteristics.

SECTION 6. Amends Section 1701.353, Occupations Code, as follows:

Sec. 1701.353. CONTINUING EDUCATION PROCEDURES. (a) Requires the TCLEOSE by rule to adopt procedures to ensure the timely and accurate reporting by agencies and persons licensed under this chapter, rather than by agencies and peace officers, of information related to training programs offered under this subchapter, including procedures for creating training records for license holders, rather than individual peace officers; and provide adequate notice to agencies and license holders of impending noncompliance with the training requirements of this subchapter so that agencies and license holders may comply within the 24-month period or 48-month period, as appropriate. Makes conforming changes.

SECTION 7. Amends Subchapter H, Chapter 1701, Occupations Code, by adding Section 1701.358, as follows:

Sec. 1701.358. INITIAL TRAINING AND CONTINUING EDUCATION FOR POLICE CHIEFS. Requires a police chief to complete the initial training and continuing education required under Section 96.641 (Initial Training and Continuing Education for Police Chiefs), Education Code.

SECTION 8. Repealer: Section 1701.055(d) (relating to prohibiting an ex officio member from voting), Occupations Code.

SECTION 9. Makes application of the changes in law made by this Act to Section 1701.306, Occupations Code, prospective.

SECTION 10. Effective date: September 1, 2011.