

## **BILL ANALYSIS**

Senate Research Center  
83R22879 NC-F

H.B. 1951  
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Business & Commerce  
5/20/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Occupations Code includes telecommunicators employed by or serving certain law enforcement agencies among the law enforcement personnel regulated by provisions relating to certain duties of the Commission on Law Enforcement Officer Standards and Education. However, recent high profile instances regarding 9-1-1 operators suggest that minimum licensing and training requirements are necessary to ensure that public safety is protected.

H.B. 1951 establishes training and licensing requirements for telecommunicators.

H.B. 1951 amends current law relating to the licensing and regulation of telecommunicators, and provides a criminal penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) is modified in SECTION 1 (Section 1701.151, Occupations Code) and SECTION 9 (Section 1701.401, Occupations Code) of this bill.

Rulemaking authority is expressly granted to TCLEOSE in SECTION 7 (Section 1701.3071, Occupations Code) and SECTION 12 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1701.151, Occupations Code, as follows:

Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING AUTHORITY. Authorizes the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to:

- (1) Makes no change to this subdivision;
- (2) establish minimum standards relating to competence and reliability, including education, training, physical, mental, and moral standards, for licensing as an officer, county jailer, public security officer, or telecommunicator, rather than employment as a telecommunicator; and
- (3)-(6) Makes no change to these subdivisions.

SECTION 2. Amends Sections 1701.251(a) and (c), Occupations Code, as follows:

(a) Requires TCLEOSE to establish and maintain training programs for officers, county jailers, and telecommunicators. Requires that the training be conducted by TCLEOSE staff or by other agencies and institutions TCLEOSE considers appropriate. Makes nonsubstantive changes.

(c) Authorizes TCLEOSE to:

- (1) issue or revoke the license of a school operated by or for this state or a political subdivision of this state specifically for training officers, county jailers, recruits, or telecommunicators;
- (2) operate schools and conduct preparatory, in-service, basic, and advanced courses in the schools, as TCLEOSE determines appropriate, for officers, county jailers, recruits, and telecommunicators;
- (3) issue a license to a person to act as a qualified instructor under conditions that TCLEOSE prescribes; and
- (4) consult and cooperate with a municipality, county, special district, state agency or other governmental agency, or a university, college, junior college, or other institution, concerning the development of schools and training programs for officers, county jailers, and telecommunicators.

Makes nonsubstantive changes.

SECTION 3. Amends Section 1701.301, Occupations Code, to prohibit a person, except as provided by Sections 1701.310 (Appointment of County Jailer; Training Required), 1701.311 (Provisional License for Workforce Shortage), and 1701.405, from appointing or employing a person to serve as an officer, county jailer, public security officer, or telecommunicator unless the person, rather than person appointed, holds an appropriate license issued by TCLEOSE.

SECTION 4. Amends Section 1701.303, Occupations Code, by adding Subsection (c), as follows:

(c) Requires a person who appoints or employs a telecommunicator licensed by TCLEOSE to notify TCLEOSE not later than the 30th day after the date of the appointment or employment. Requires a person, if the person appoints or employs an individual who previously served as a telecommunicator and the appointment or employment occurs after the 180th day after the last date of service as a telecommunicator, to have on file in a form readily accessible to TCLEOSE new criminal history record information and two completed fingerprint cards.

SECTION 5. Amends the heading to Section 1701.307, Occupations Code, as follows:

Sec. 1701.307. ISSUANCE OF OFFICER OR COUNTY JAILER LICENSE.

SECTION 6. Amends Section 1701.307(a), Occupations Code, to require TCLEOSE to issue an appropriate officer or county jailer license to a person who, as required by this chapter, completes certain requirements.

SECTION 7. Amends Subchapter G, Chapter 1701, Occupations Code, by adding Section 1701.3071, as follows:

Sec. 1701.3071. ISSUANCE OF TELECOMMUNICATOR LICENSE. (a) Requires TCLEOSE to issue a telecommunicator license to a person who submits an application; completes the required training; passes the required examination; and meets any other requirement of this chapter and the rules prescribed by TCLEOSE to qualify as a telecommunicator.

(b) Authorizes TCLEOSE to issue a temporary or permanent license to a person to act as a telecommunicator.

SECTION 8. Amends Section 1701.352, Occupations Code, by adding Subsection (i), as follows:

(i) Requires a state agency, county, special district, or municipality that appoints or employs a telecommunicator to provide training to the telecommunicator of not less than

20 hours during each 24-month period of employment. Requires that the training be approved by TCLEOSE and consist of topics selected by TCLEOSE and the employing entity.

SECTION 9. Amends Section 1701.401(c), Occupations Code, as follows:

(c) Requires TCLEOSE to adopt rules for issuing achievement awards to peace officers, reserve peace officers, jailers, custodial officers, or telecommunicators who are licensed by TCLEOSE. Requires that TCLEOSE rules require recommendations from an elected official of this state or a political subdivision, an administrator of a law enforcement agency, or a person holding a license issued by TCLEOSE.

SECTION 10. Amends Section 1701.405, Occupations Code, by amending Subsection (b) and adding Subsections (b-1) and (b-2), as follows:

(b) Prohibits this state or a political subdivision of this state from employing a person to act as a telecommunicator unless the person:

(1) Makes no change to this subdivision;

(2)-(3) Makes nonsubstantive changes; and

(4) holds a license to act as a telecommunicator or agrees to obtain the license not later than the first anniversary of the date of employment.

(b-1) Prohibits a person employed to act as a telecommunicator who has not obtained a license to act as a telecommunicator under this chapter from continuing to act as a telecommunicator after the first anniversary of the date of employment unless the person obtains the license.

(b-2) Provides that, notwithstanding this section, an officer is not required to obtain a telecommunicator license to act as a telecommunicator.

SECTION 11. Amends Section 1701.551(a), Occupations Code to provide that a person commits an offense if the person appoints or retains another person as an officer, county jailer, or telecommunicator in violation of Section 1701.301, 1701.303, 1701.306 (Psychological and Physical Examination), or 1701.405.

SECTION 12. (a) Requires TCLEOSE, not later than December 31, 2013, to adopt rules, standards, and procedures necessary to implement Chapter 1701, Occupations Code, as amended by this Act, and Subsection (b) of this section.

(b) Provides that, notwithstanding Chapter 1701, Occupations Code, as amended by this Act, a person employed as a certified telecommunicator on January 1, 2014, is exempt from the requirements for an initial telecommunicator license under that chapter, and TCLEOSE is required to issue a telecommunicator license to the person on receipt of an application showing that the person was employed as a certified telecommunicator on that date.

SECTION 13. (a) Effective date, except as provided by Subsection (b) of this section: January 1, 2014.

(b) Effective date, Section 12 of this Act: September 1, 2013.