

BILL ANALYSIS

Senate Research Center
79R5145 KSD-D

H.B. 1438
By: Talton (Whitmire)
Criminal Justice
5/18/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) requires that a peace officer complete at least 40 hours of continuing education each 24-month period in order to remain commissioned. Under current law, no exemption exists for an officer serving on active military duty. Also, current law does not require that an officer be notified before his or her license is suspended for non-compliance.

H.B. 1438 addresses these issues by exempting certain officers on active military duty from the continuing education requirement and by requiring TCLEOSE to notify a non-compliant officer and to give the officer an opportunity to complete the required training before license suspension.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1701.351(c), Occupations Code, to require the Texas Commission on Law Enforcement Officer Standards and Education (commission) to credit a peace officer with meeting the continuing education requirements of this section if during the relevant 24-month period the peace officer serves on active duty as a member of the United States military for at least twelve months.

SECTION 2. Amends Section 1701.353(b), Occupations Code, to require the commission, following receipt of an agency's report regarding the reasons that a peace officer is in noncompliance or on a determination that the agency has failed to report in a timely manner, to notify the peace officer by certified mail of the reasons the peace officer is in noncompliance and that the commission at the request of the peace officer will hold a hearing as provided by this subsection if the peace officer fails to obtain the required training within sixty days after the date the peace officer receives notice under this subsection. Makes nonsubstantive changes.

SECTION 3. Effective date: upon passage or September 1, 2005.