

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/30/09


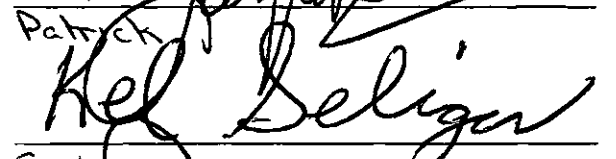

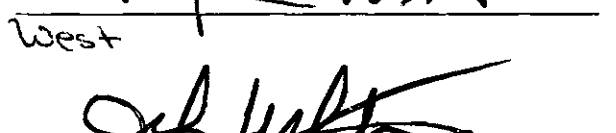
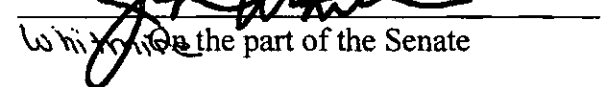
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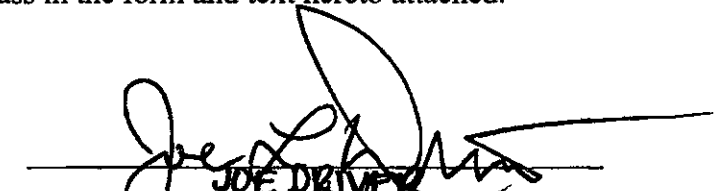
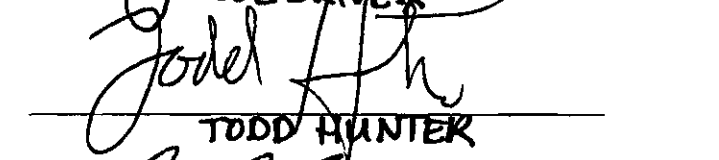

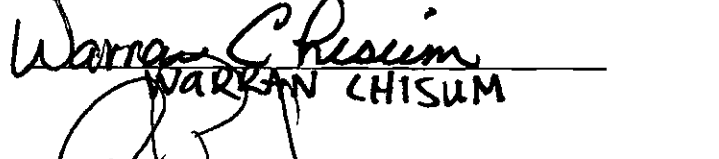

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2093 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


Hegar

Patrick Deliger

Saelyser

West

White
On the part of the Senate


JOE DRIVER

TODD HUNTER

CARL ISETT

WARREN CHISUM

Aaron Pena
On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2093

A BILL TO BE ENTITLED

AN ACT

relating to persons certified as peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1701.404, Occupations Code, is amended to read as follows:

Sec. 1701.404. CERTIFICATION OF OFFICERS FOR MENTAL HEALTH ASSIGNMENTS. (a) The commission by rule may establish minimum requirements for the training, testing, and certification of special officers for offenders with mental impairments.

(b) The commission may certify a sheriff, sheriff's deputy, constable, ~~[or]~~ other peace officer, county jailer, or ~~[a]~~ justice of the peace~~[r]~~ as a special officer for offenders with mental impairments if the person ~~[officer]~~:

(1) completes a training course in emergency first aid and lifesaving techniques approved by the commission;

(2) completes a training course administered by the commission on mental health issues and offenders with mental impairments; and

(3) passes an examination administered by the commission that is designed to test the person's ~~[officer's]~~:

(A) knowledge and recognition of the characteristics and symptoms of mental illness, mental retardation, and mental disabilities; and

(B) knowledge of mental health crisis

1 intervention strategies for people with mental impairments.

2 (c) The commission may issue a professional achievement or
3 proficiency certificate to an officer, county jailer, or justice of
4 the peace who meets the requirements of Subsection (b).

5 SECTION 2. (a) The Commission on Law Enforcement Officer
6 Standards and Education may certify a county jailer as a special
7 officer for offenders with mental impairments and may issue a
8 certificate to the county jailer if the county jailer meets the
9 requirements of Section 1701.404(b), Occupations Code, as amended
10 by this Act, regardless of whether the county jailer completed the
11 required training and passed the examination before, on, or after
12 the effective date of this Act.

13 (b) The Commission on Law Enforcement Officer Standards and
14 Education may issue a certificate under Section 1701.404(c),
15 Occupations Code, as amended by this Act, to a justice of the peace
16 who is certified as a special officer for offenders with mental
17 impairments regardless of whether the justice of the peace was
18 certified before, on, or after the effective date of this Act.

19 SECTION 3. This Act takes effect September 1, 2009.

House Bill 2093
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

SECTION __. Article 59.06, Code of Criminal Procedure, is amended by adding Subsections (r) and (s) to read as follows:

(r) As a specific exception to Subsection (c)(2), (3), or (4), a law enforcement agency may transfer not more than 10 percent of the gross amount credited to the agency's fund to a separate special fund in the treasury of the political subdivision or state law enforcement agency, as applicable. The law enforcement agency shall administer the separate special fund. Interest received from the investment of money in the fund shall be credited to the fund. The agency may use money in the fund only to provide scholarships to children of peace officers who were employed by the agency or by another law enforcement agency with which the agency has overlapping geographic jurisdiction and who were killed in the line of duty. Scholarships under this subsection may be used only to pay the costs of attendance at an institution of higher education or private or independent institution of higher education, including tuition and fees and costs for housing, books, supplies, transportation, and other related personal expenses. In this subsection, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(s) Not later than April 1 of each year, the attorney general shall develop a report detailing the total value of forfeited property in this state in the preceding calendar year, as specified according to the law enforcement

CONFERENCE

Same as House version.

House Bill 2093
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

agency seizing the property. The attorney general shall maintain in a prominent location on its publicly accessible Internet website a link to the most recent annual report developed under this subsection.

SECTION 1. Section 1701.404, Occupations Code, is amended to read as follows:

Sec. 1701.404. CERTIFICATION OF OFFICERS FOR MENTAL HEALTH ASSIGNMENTS. (a) The commission by rule may establish minimum requirements for the training, testing, and certification of special officers for offenders with mental impairments.

(b) The commission may certify a sheriff, sheriff's deputy, constable, ~~[or]~~ other peace officer, county jailer, or ~~[a]~~ justice of the peace~~;~~ as a special officer for offenders with mental impairments if the person ~~[officer]~~:

(1) completes a training course in emergency first aid and lifesaving techniques approved by the commission;

(2) completes a training course administered by the commission on mental health issues and offenders with mental impairments; and

(3) passes an examination administered by the commission that is designed to test the person's ~~[officer's]~~:

(A) knowledge and recognition of the characteristics and symptoms of mental illness, mental retardation, and mental disabilities; and

(B) knowledge of mental health crisis intervention

Same as House version.

SECTION 1. Same as House version.

House Bill 2093
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

strategies for people with mental impairments.

(c) The commission may issue a professional achievement or proficiency certificate to an officer, county jailer, or justice of the peace who meets the requirements of Subsection (b).

SECTION 2. Section 1702.322, Occupations Code, is amended to read as follows:

Sec. 1702.322. LAW ENFORCEMENT PERSONNEL.

This chapter does not apply to:

(1) a person who is a chief of police, sheriff, constable, or other chief administrator of a law enforcement agency in this state or is appointed, elected, or employed by the chief administrator of a law enforcement agency [has full-time employment] as a peace officer, as defined by Section 1701.001, in accordance with the licensing requirements adopted under rules of the Commission on Law Enforcement Officer Standards and Education and who receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, extra job coordinator, or watchman if ~~the officer~~:

(A) the officer is employed by the private employer in an employee-employer relationship or [employed] on an individual contractual basis;

(B) the private employment does not require the officer to be [is not] in the employ of another peace officer;

(C) the officer is not a reserve peace officer; and

(D) the officer works for the law enforcement agency

No equivalent provision.

Same as Senate version.

House Bill 2093
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

~~[as a peace officer]~~ on the average of at least 32 hours a week, is compensated by the state or a political subdivision of the state at least at the minimum wage, and is entitled to all employee benefits offered to a peace officer by the state or political subdivision;

(2) a reserve peace officer while the reserve officer is performing guard, patrolman, or watchman duties for a county and is being compensated solely by that county;

(3) a peace officer acting in an official capacity in responding to a burglar alarm or detection device; or

(4) a person engaged in the business of electronic monitoring of an individual as a condition of that individual's community supervision, parole, mandatory supervision, or release on bail, if the person does not perform any other service that requires a license under this chapter.

SECTION 3. (a) The Commission on Law Enforcement Officer Standards and Education may certify a county jailer as a special officer for offenders with mental impairments and may issue a certificate to the county jailer if the county jailer meets the requirements of Section 1701.404(b), Occupations Code, as amended by this Act, regardless of whether the county jailer completed the required training and passed the examination before, on, or after the effective date of this Act.

(b) The Commission on Law Enforcement Officer Standards and Education may issue a certificate under

SECTION 2. Same as House version.

SECTION 2. Same as House version.

House Bill 2093
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

Section 1701.404(c), Occupations Code, as amended by this Act, to a justice of the peace who is certified as a special officer for offenders with mental impairments regardless of whether the justice of the peace was certified before, on, or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2009

SENATE VERSION

SECTION 3. Same as House version.

CONFERENCE

SECTION 3. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2093 by Driver (Relating to persons certified as peace officers.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code, Section 1704.404 to include county jailers among the positions eligible for certification as a special officer for offenders with mental impairments upon completion of certain training. The bill would take effect September 1, 2009. The Texas Commission on Law Enforcement Officer Standards and Education anticipates no significant fiscal impact to their agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, ESi