

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-30-09

Date

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 3389 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.

Bob Deuell
Bob Deuell, Chair

John Carona
John Carona

Glenn Hegar
Glenn Hegar
Royce West
Royce West

John Whitmire
On the part of the Senate
John Whitmire

Linda Harper Brown
Linda Harper Brown, Chair
Allen Fletcher
Allen Fletcher

Stephen Frost
Stephen Frost

Phil King
On the part of the House
Phil King

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. 3389

A BILL TO BE ENTITLED

1 AN ACT

2 relating to

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

4 SECTION 1. Section 1701.002, Occupations Code, is amended
5 to read as follows:

6 Sec. 1701.002. APPLICATION OF SUNSET ACT. The Commission
7 on Law Enforcement Officer Standards and Education is subject to
8 Chapter 325, Government Code (Texas Sunset Act). Unless
9 continued in existence as provided by that chapter, the
10 commission is abolished and this chapter expires September 1,
11 2021 [~~2009~~].

12 SECTION 2. Section 1701.053, Occupations Code, is amended
13 to read as follows:

14 Sec. 1701.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)
15 In this section, "Texas trade association" means a [~~nonprofit,~~]
16 cooperative[~~,~~] and voluntarily joined statewide association of
17 business or professional competitors in this state designed to
18 assist its members and its industry or profession in dealing
19 with mutual business or professional problems and in promoting
20 their common interest.

21 (b) A person [~~An officer, employee, or paid consultant of~~
22 ~~a Texas trade association in the field of law enforcement]~~ may

1 not be a commission member and may not be an employee of the
2 commission employed in a "bona fide executive, administrative,
3 or professional capacity," as that phrase is used for purposes
4 of establishing an exemption to the overtime provisions of the
5 federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201
6 et seq.), if:

7 (1) the person is an officer, employee, or paid
8 consultant of a Texas trade association in the field of law
9 enforcement or county corrections; or

10 (2) the person's spouse is an officer, manager, or
11 paid consultant of a Texas trade association in the field of law
12 enforcement or county corrections [~~who is exempt from the~~
13 ~~state's position classification plan or is compensated at or~~
14 ~~above the amount prescribed by the General Appropriations Act~~
15 ~~for step 1, salary group A17, of the position classification~~
16 ~~salary schedule].~~

17 ~~(c) [A person who is the spouse of an officer, manager, or~~
18 ~~paid consultant of a Texas trade association in the field of law~~
19 ~~enforcement may not be a commission member and may not be an~~
20 ~~employee of the commission who is exempt from the state's~~
21 ~~position classification plan or is compensated at or above the~~
22 ~~amount prescribed by the General Appropriations Act for step 1,~~
23 ~~salary group A17, of the position classification salary~~
24 ~~schedule.~~

25 ~~[(d)]~~ A person may not be [~~serve as~~] a member of the
26 commission or act as the general counsel to the commission or
27 the agency if the person is required to register as a lobbyist

1 under Chapter 305, Government Code, because of the person's
2 activities for compensation on behalf of a profession related to
3 the commission's operation.

4 SECTION 3. Section 1701.056(a), Occupations Code, is
5 amended to read as follows:

6 (a) It is a ground for removal from the commission that a
7 member:

8 (1) does not have at the time of taking office
9 [~~appointment~~] the qualifications required by Section 1701.051(a)
10 or 1701.052;

11 (2) does not maintain during service on the
12 commission the qualifications required by Section 1701.051(a) or
13 1701.052;

14 (3) is ineligible for membership under [~~violates a~~
15 ~~prohibition established by~~] Section 1701.053;

16 (4) cannot, because of illness or disability,
17 discharge the member's duties for a substantial part of the
18 member's term; or

19 (5) is absent from more than half of the regularly
20 scheduled commission meetings that the member is eligible to
21 attend during a calendar year without an excuse approved by a
22 majority vote of the commission.

23 SECTION 4. Section 1701.059, Occupations Code, is amended
24 to read as follows:

25 Sec. 1701.059. TRAINING. (a) A [~~To be eligible to take~~
26 ~~office as a member of the commission, a~~] person who is appointed
27 to and qualifies for office as a member of the commission may

1 not vote, deliberate, or be counted as a member in attendance at
2 a meeting of the commission until the person completes ~~[must~~
3 ~~complete at least one course of]~~ a training program that
4 complies with this section.

5 (b) The training program must ~~[shall]~~ provide the person
6 with information ~~[to a member]~~ regarding:

7 (1) the legislation that created the commission;

8 (2) the programs, functions, rules, and budget of the
9 commission ~~[this chapter];~~

10 (3) ~~[(2)]~~ the results of the most recent formal audit
11 of ~~[programs operated by]~~ the commission;

12 (4) ~~[(3)]~~ the requirements of laws relating to open
13 meetings, public information, administrative procedure, and
14 conflicts of interest ~~[role and functions of the commission];~~
15 and

16 ~~[(4) the rules of the commission, with an emphasis on~~
17 ~~the rules that relate to disciplinary and investigatory~~
18 ~~authority];~~

19 (5) ~~[the current budget for the commission;~~

20 ~~[(6) the results of the most recent formal audit of~~
21 ~~the commission;~~

22 ~~[(7) the requirements of Chapters 551, 552, and 2001,~~
23 ~~Government Code;~~

24 ~~[(8) the requirements of the conflict of interest~~
25 ~~laws and other laws relating to public officials; and~~

26 ~~[(9)]~~ any applicable ethics policies adopted by the
27 commission or the Texas Ethics Commission.

1 (c) A person appointed to the commission is entitled to
2 reimbursement, as provided by the General Appropriations Act,
3 for travel expenses incurred in attending the training program
4 regardless of whether the attendance at the program occurs
5 before or after the person qualifies for office~~[, as provided by~~
6 ~~the General Appropriations Act, as if the person were a member~~
7 ~~of the commission].~~

8 SECTION 5. Section 1701.153(b), Occupations Code, is
9 amended to read as follows:

10 (b) The commission shall furnish each agency and licensed
11 training school with the required reporting forms, including
12 access to electronic submission forms when the system under
13 Section 1701.1523 is established.

14 SECTION 6. Sections 1701.157(b) and (c), Occupations Code,
15 are amended to read as follows:

16 (b) To provide the necessary information for an allocation
17 of money under Subsection (a), a ~~[Not later than November 1 of~~
18 ~~each calendar year, each]~~ local law enforcement agency must
19 ~~[shall]~~ report to the comptroller not later than November 1 of
20 the preceding calendar year:

21 (1) the number of agency positions described by
22 Subsection (a) (2) authorized as of January 1 of the ~~[that]~~ year
23 the report is due;

24 (2) the number of agency positions described by
25 Subsection (a) (2) filled as of January 1 of the year the report
26 is due;

27 (3) the percentage of the money received by the

1 agency under Subsection (a) pursuant to the allocation made by
2 the comptroller on or before March 1 of the year preceding the
3 year in which the report is due that was used by the agency
4 before the date of the allocation made by the comptroller under
5 Subsection (a) on or before March 1 of the year the report is
6 due;

7 (4) the number of training hours received during the
8 12-month or approximately 12-month period described by
9 Subdivision (3) that were funded by money received by the agency
10 pursuant to the allocation made by the comptroller on or before
11 March 1 of the year preceding the year in which the report is
12 due; and

13 (5) that the agency has complied with the
14 requirements of this section regarding the use of any money
15 received by the agency pursuant to the allocation made by the
16 comptroller on or before March 1 of the year preceding the year
17 in which the report is due.

18 (c) The head of a law enforcement agency shall maintain a
19 complete and detailed [~~written~~] record of money received and
20 spent by the agency under this section. Money received under
21 this section is subject to audit by the comptroller. Money
22 spent under this section is subject to audit by the state
23 auditor.

24 SECTION 7. Subchapter D, Chapter 1701, Occupations Code,
25 is amended by adding Sections 1701.1521, 1701.1522, 1701.1523,
26 1701.1524, 1701.162, and 1701.163 to read as follows:

27 Sec. 1701.1521. USE OF TECHNOLOGY. The commission shall

1 implement a policy requiring the commission to use appropriate
2 technological solutions to improve the commission's ability to
3 perform its functions. The policy must ensure that the public
4 is able to interact with the commission on the Internet.

5 Sec. 1701.1522. ALTERNATIVE DISPUTE RESOLUTION. (a) The
6 commission shall develop and implement a policy to encourage the
7 use of:

8 (1) negotiated rulemaking procedures under Chapter
9 2008, Government Code, for the adoption of commission rules; and

10 (2) appropriate alternative dispute resolution
11 procedures under Chapter 2009, Government Code, to assist in the
12 resolution of internal and external disputes under the
13 commission's jurisdiction.

14 (b) The commission's procedures relating to alternative
15 dispute resolution must conform, to the extent possible, to any
16 model guidelines issued by the State Office of Administrative
17 Hearings for the use of alternative dispute resolution by state
18 agencies.

19 (c) The commission shall designate a trained person to:

20 (1) coordinate the implementation of the policy
21 adopted under Subsection (a);

22 (2) serve as a resource for any training needed to
23 implement the procedures for negotiated rulemaking or
24 alternative dispute resolution; and

25 (3) collect data concerning the effectiveness of
26 those procedures, as implemented by the commission.

27 Sec. 1701.1523. ELECTRONIC SUBMISSION OF FORMS, DATA, AND

1 DOCUMENTS. The commission by rule shall:

2 (1) develop and establish a system for the electronic
3 submission of forms, data, and documents required to be
4 submitted to the commission under this chapter; and

5 (2) once that system is established, require law
6 enforcement agencies to submit to the commission electronically
7 any form, data, or document required to be submitted to the
8 commission under this chapter.

9 Sec. 1701.1524. RULES RELATING TO CONSEQUENCES OF CRIMINAL
10 CONVICTION OR DEFERRED ADJUDICATION. (a) The commission by
11 rule shall establish guidelines consistent with this chapter
12 that are necessary to comply with Chapter 53 to the extent that
13 chapter applies to persons licensed under this chapter.

14 (b) In its rules under this section, the commission shall
15 list the offenses for which a conviction would constitute
16 grounds for the commission to take action under Section 53.021
17 or for which placement on deferred adjudication community
18 supervision would constitute grounds for the commission to take
19 action under this chapter.

20 Sec. 1701.162. RECORDS AND AUDIT REQUIREMENTS. (a) The
21 commission is entitled to access records maintained under
22 Sections 1701.303, 1701.306, and 1701.310 by an agency hiring a
23 person to be an officer or county jailer, including records that
24 relate to age, education, physical standards, citizenship,
25 experience, and other matters relating to competence and
26 reliability, as evidence of qualification for licensing of an
27 officer or county jailer.

1 (b) The commission shall audit the records described by
2 Subsection (a) of each law enforcement agency at least once
3 every five years.

4 (c) The commission by rule shall develop and establish a
5 framework for the audits conducted by the commission under
6 Subsection (b) that:

7 (1) addresses the types of documents subject to
8 audit;

9 (2) provides a schedule for additional risk-based
10 inspections based on:

11 (A) whether there has been a prior violation by
12 the law enforcement agency;

13 (B) the inspection history of the agency; and

14 (C) any other factor the commission by rule
15 considers appropriate;

16 (3) provides timelines for complying with an audit
17 request or correcting a violation found during the audit
18 process; and

19 (4) establishes sanctions for failing to comply with
20 an audit request or to correct a violation found during the
21 audit process.

22 Sec. 1701.163. INFORMATION PROVIDED BY COMMISSIONING
23 ENTITIES. (a) This section applies only to an entity
24 authorized by statute or by the constitution to create a law
25 enforcement agency or police department and commission, appoint,
26 or employ officers that first creates a law enforcement agency
27 or police department and first begins to commission, appoint, or

1 employ officers on or after September 1, 2009.

2 (b) The entity shall submit to the commission on creation
3 of the law enforcement agency or police department information
4 regarding:

5 (1) the need for the law enforcement agency or police
6 department in the community;

7 (2) the funding sources for the law enforcement
8 agency or police department;

9 (3) the physical resources available to officers;

10 (4) the physical facilities that the law enforcement
11 agency or police department will operate, including descriptions
12 of the evidence room, dispatch area, and public area;

13 (5) law enforcement policies of the law enforcement
14 agency or police department, including policies on:

15 (A) use of force;

16 (B) vehicle pursuit;

17 (C) professional conduct of officers;

18 (D) domestic abuse protocols;

19 (E) response to missing persons;

20 (F) supervision of part-time officers; and

21 (G) impartial policing;

22 (6) the administrative structure of the law
23 enforcement agency or police department;

24 (7) liability insurance; and

25 (8) any other information the commission requires by
26 rule.

27 SECTION 8. Subchapter D, Chapter 1701, Occupations Code,

1 is amended by adding Section 1701.164 to read as follows:

2 Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA
3 SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall
4 collect and maintain incident-based data submitted to the
5 commission under Article 2.134, Code of Criminal Procedure,
6 including incident-based data compiled by a law enforcement
7 agency from reports received by the law enforcement agency under
8 Article 2.133 of that code. The commission in consultation with
9 the Department of Public Safety, the Bill Blackwood Law
10 Enforcement Management Institute of Texas, the W. W. Caruth,
11 Jr., Police Institute at Dallas, and the Texas Police Chiefs
12 Association shall develop guidelines for submitting in a
13 standard format the report containing incident-based data as
14 required by Article 2.134, Code of Criminal Procedure.

15 SECTION 9. Section 1701.202, Occupations Code, is amended
16 to read as follows:

17 Sec. 1701.202. COMPLAINTS. (a) The commission by rule
18 shall establish a comprehensive procedure for each phase of the
19 commission's jurisdictional complaint enforcement process,
20 including:

- 21 (1) complaint intake;
22 (2) investigation;
23 (3) adjudication and relevant hearings;
24 (4) appeals;
25 (5) the imposition of sanctions; and
26 (6) public disclosure.

27 (b) On request, a license holder may obtain information

1 regarding a complaint made against the license holder under this
2 chapter, including a complete copy of the complaint file. On
3 receipt of a request under this subsection, the commission shall
4 provide the requested information in a timely manner to allow
5 the license holder time to respond to the complaint.

6 (c) The commission shall ensure that detailed information
7 regarding the commission's complaint enforcement process
8 described by this section is available on any publicly
9 accessible Internet website and in any appropriate printed
10 materials maintained by the commission [~~provide the commission's~~
11 ~~policies and procedures relating to complaint investigation and~~
12 ~~resolution to a person filing a complaint and to each person~~
13 ~~that is the subject of the complaint].~~

14 SECTION 10. Section 1701.203, Occupations Code, is amended
15 to read as follows:

16 Sec. 1701.203. RECORDS OF COMPLAINTS. (a) The commission
17 shall maintain a system to promptly and efficiently act on
18 jurisdictional complaints filed with the commission. The
19 commission shall maintain [~~keep an~~] information [~~file~~] about
20 parties to the complaint, [~~each written complaint filed with the~~
21 ~~commission that the commission has authority to resolve.~~ The
22 ~~information file must include:~~

23 [~~(1) the date the complaint is received,~~

24 [~~(2) the name of the complainant,~~

25 [~~(3)] the subject matter of the complaint,~~ [+

26 [~~(4) a record of each person contacted in relation to~~

27 ~~the complaint,~~

1 ~~[(5)]~~ a summary of the results of the review or
2 investigation of the complaint, and its disposition~~[, and~~

3 ~~[(6) an explanation of the reason that a complaint~~
4 ~~was closed without action by the commission]~~.

5 (b) The commission shall make information available
6 describing its procedures for complaint investigation and
7 resolution.

8 (c) The commission~~[, at least quarterly and until final~~
9 ~~disposition of the complaint,]~~ shall periodically notify the
10 parties to the complaint of the status of the complaint until
11 final disposition ~~[unless the notice would jeopardize an~~
12 ~~undereover investigation]~~.

13 SECTION 11. Subchapter E, Chapter 1701, Occupations Code,
14 is amended by adding Section 1701.2035 to read as follows:

15 Sec. 1701.2035. TRACKING AND ANALYSIS OF COMPLAINT AND
16 VIOLATION DATA. (a) The commission shall develop and implement
17 a method for:

18 (1) tracking complaints filed with the commission
19 through their final disposition, including:

20 (A) the reason for each complaint;

21 (B) how each complaint was resolved; and

22 (C) the subject matter of each complaint that
23 was not within the jurisdiction of the commission and how the
24 commission responded to the complaint; and

25 (2) tracking and categorizing the sources and types
26 of complaints filed with the commission and of violations of
27 this chapter or a rule adopted under this chapter.

1 (b) The commission shall analyze the complaint and
2 violation data maintained under Subsection (a) to identify
3 trends and areas that may require additional regulation or
4 enforcement.

5 SECTION 12. Section 1701.253, Occupations Code, is amended
6 by adding Subsection (k) to read as follows:

7 (k) As part of the minimum curriculum requirements, the
8 commission shall establish a statewide comprehensive education
9 and training program for officers licensed under this chapter
10 that covers the laws of this state and of the United States
11 pertaining to peace officers.

12 SECTION 13. Section 1701.254, Occupations Code, is amended
13 by adding Subsection (d) to read as follows:

14 (d) The commission by rule shall establish a system for
15 placing a training provider on at-risk probationary status. The
16 rules must prescribe:

17 (1) the criteria to be used by the commission in
18 determining whether to place a training provider on at-risk
19 probationary status;

20 (2) a procedure and timeline for imposing corrective
21 conditions on a training provider placed on at-risk probationary
22 status and for notifying the provider regarding those
23 conditions; and

24 (3) a procedure for tracking a training provider's
25 progress toward compliance with any corrective conditions
26 imposed on the provider by the commission under this subsection.

27 SECTION 14. Section 1701.255(c), Occupations Code, is

1 amended to read as follows:

2 (c) A person may not enroll in a peace officer training
3 program under Section 1701.251(a) unless the person has
4 received:

5 (1) a high school diploma;

6 (2) a high school equivalency certificate [~~and has~~
7 ~~completed at least 12 hours at an institution of higher~~
8 ~~education with at least a 2.0 grade point average on a 4.0~~
9 ~~scale~~]; or

10 (3) an honorable discharge from the armed forces of
11 the United States after at least 24 months of active duty
12 service.

13 SECTION 15. Section 1701.351, Occupations Code, is amended
14 by adding Subsection (a-1) to read as follows:

15 (a-1) As part of the continuing education programs under
16 Subsection (a), a peace officer must complete a training and
17 education program that covers recent changes to the laws of this
18 state and of the United States pertaining to peace officers.

19 SECTION 16. Section 1701.352, Occupations Code, is amended
20 by amending Subsection (b) and adding Subsection (g) to read as
21 follows:

22 (b) The commission shall require a state, county, special
23 district, or municipal agency that appoints or employs peace
24 officers to provide each peace officer with a training program
25 at least once every 48 months that is approved by the commission
26 and consists of:

27 (1) topics selected by the agency; and

1 (2) for an officer holding only a basic proficiency
2 certificate, not more than 20 hours of education and training
3 that contain curricula incorporating the learning objectives
4 developed by the commission regarding:

5 (A) civil rights, racial sensitivity, and
6 cultural diversity; ~~and~~

7 (B) de-escalation and crisis intervention
8 techniques to facilitate interaction with persons with mental
9 impairments; and

10 (C) unless determined by the agency head to be
11 inconsistent with the officer's assigned duties:

12 (i) the recognition and documentation of
13 cases that involve child abuse or neglect, family violence, and
14 sexual assault; and

15 (ii) issues concerning sex offender
16 characteristics.

17 (g) The training and education program on de-escalation
18 and crisis intervention techniques to facilitate interaction
19 with persons with mental impairments under Subsection (b)(2)(B)
20 may not be provided as an online course. The commission shall:

21 (1) determine best practices for interacting with
22 persons with mental impairments, in consultation with the Bill
23 Blackwood Law Enforcement Management Institute of Texas; and

24 (2) review the education and training program under
25 Subsection (b)(2)(B) at least once every 24 months.

26 SECTION 17. Section 1701.402, Occupations Code, is amended
27 by adding Subsections (h) and (i) to read as follows:

1 (h) As a requirement for an intermediate proficiency
2 certificate, an officer must complete an education and training
3 program on investigative topics established by the commission
4 under Section 1701.253(b).

5 (i) As a requirement for an intermediate proficiency
6 certificate, an officer must complete an education and training
7 program on civil rights, racial sensitivity, and cultural
8 diversity established by the commission under Section
9 1701.253(c).

10 SECTION 18. Section 1701.355(a), Occupations Code, is
11 amended to read as follows:

12 (a) An agency that employs one or more [~~at least two~~]
13 peace officers shall designate a firearms proficiency officer
14 and require each peace officer the agency employs to demonstrate
15 weapons proficiency to the firearms proficiency officer at least
16 annually. The agency shall maintain records of the weapons
17 proficiency of the agency's peace officers.

18 SECTION 19. Sections 1701.451(a), (b), and (c),
19 Occupations Code, are amended to read as follows:

20 (a) Before a law enforcement agency may hire a person
21 licensed under this chapter, the agency head or the agency
22 head's designee must:

23 (1) make a [~~written~~] request to the commission for
24 any employment termination report regarding the person that is
25 maintained by the commission under this subchapter; and

26 (2) submit to the commission on the form prescribed
27 by the commission confirmation that the agency:

1 (A) conducted in the manner prescribed by the
2 commission a criminal background check regarding the person;

3 (B) obtained the person's written consent on a
4 form prescribed by the commission for the agency to view the
5 person's employment records;

6 (C) obtained from the commission any service or
7 education records regarding the person maintained by the
8 commission; and

9 (D) contacted each of the person's previous law
10 enforcement employers.

11 (b) The commission by rule shall establish a system for
12 verifying an electronically submitted [~~The written~~] request
13 required by Subsection (a)(1) [~~must be on the agency's~~
14 ~~letterhead and be signed by the agency head or the agency head's~~
15 ~~designee~~].

16 (c) If the commission receives from a law enforcement
17 agency a [~~written~~] request that complies with Subsections (a)(1)
18 and (b), the commission employee having the responsibility to
19 maintain any employment termination report regarding the person
20 who is the subject of the request shall release the report to
21 the agency.

22 SECTION 20. Section 1701.4525, Occupations Code, is
23 amended by adding Subsection (g) to read as follows:

24 (g) The commission is not considered a party in a
25 proceeding conducted by the State Office of Administrative
26 Hearings under this section.

27 SECTION 21. Section 1701.453, Occupations Code, is amended

1 to read as follows:

2 Sec. 1701.453. MAINTENANCE OF REPORTS AND STATEMENTS. The
3 commission shall maintain a copy of each report and ~~written~~
4 statement submitted to the commission under this subchapter
5 until at least the 10th anniversary of the date on which the
6 report or statement is submitted.

7 SECTION 22. Section 1701.501(a), Occupations Code, is
8 amended to read as follows:

9 (a) Except as provided by Subsection (d), the commission
10 shall revoke or suspend a license, place on probation a person
11 whose license has been suspended, or reprimand a license holder
12 for a violation of:

13 (1) this chapter;

14 (2) the reporting requirements provided by Articles
15 2.132 and 2.134, Code of Criminal Procedure; or

16 (3) a commission rule.

17 SECTION 23. Subchapter K, Chapter 1701, Occupations Code,
18 is amended by adding Section 1701.507 to read as follows:

19 Sec. 1701.507. ADMINISTRATIVE PENALTIES. (a) In addition
20 to other penalties imposed by law, a law enforcement agency or
21 governmental entity that violates this chapter or a rule adopted
22 under this chapter is subject to an administrative penalty in an
23 amount set by the commission not to exceed \$1,000 per day per
24 violation. The administrative penalty shall be assessed in a
25 proceeding conducted in accordance with Chapter 2001, Government
26 Code.

27 (b) The amount of the penalty shall be based on:

- 1 (1) the seriousness of the violation;
2 (2) the respondent's history of violations;
3 (3) the amount necessary to deter future violations;
4 (4) efforts made by the respondent to correct the
5 violation; and
6 (5) any other matter that justice may require.

7 (c) The commission by rule shall establish a written
8 enforcement plan that provides notice of the specific ranges of
9 penalties that apply to specific alleged violations and the
10 criteria by which the commission determines the amount of a
11 proposed administrative penalty.

12 SECTION 24. Subchapter L, Chapter 1701, Occupations Code,
13 is amended by adding Section 1701.554 to read as follows:

14 Sec. 1701.554. VENUE. Venue for the prosecution of an
15 offense that arises from a violation of this chapter or in
16 connection with the administration of this chapter lies in the
17 county where the offense occurred or in Travis County.

18 SECTION 25. Article 2.132, Code of Criminal Procedure, is
19 amended by amending Subsections (a), (b), (d), and (e) and
20 adding Subsection (g) to read as follows:

21 (a) In this article:

22 (1) "Law enforcement agency" means an agency of the
23 state, or of a county, municipality, or other political
24 subdivision of the state, that employs peace officers who make
25 motor vehicle [~~traffie~~] stops in the routine performance of the
26 officers' official duties.

27 (2) "Motor vehicle stop" means an occasion in which a

1 peace officer stops a motor vehicle for an alleged violation of
2 a law or ordinance.

3 (3) "Race or ethnicity" means of a particular
4 descent, including Caucasian, African, Hispanic, Asian, [~~or~~]
5 Native American, or Middle Eastern descent.

6 (b) Each law enforcement agency in this state shall adopt
7 a detailed written policy on racial profiling. The policy must:

8 (1) clearly define acts constituting racial
9 profiling;

10 (2) strictly prohibit peace officers employed by the
11 agency from engaging in racial profiling;

12 (3) implement a process by which an individual may
13 file a complaint with the agency if the individual believes that
14 a peace officer employed by the agency has engaged in racial
15 profiling with respect to the individual;

16 (4) provide public education relating to the agency's
17 complaint process;

18 (5) require appropriate corrective action to be taken
19 against a peace officer employed by the agency who, after an
20 investigation, is shown to have engaged in racial profiling in
21 violation of the agency's policy adopted under this article;

22 (6) require collection of information relating to
23 motor vehicle [~~traffic~~] stops in which a citation is issued and
24 to arrests made as a result of [~~resulting from~~] those [~~traffic~~]
25 stops, including information relating to:

26 (A) the race or ethnicity of the individual
27 detained; [~~and~~]

1 (B) whether a search was conducted and, if so,
2 whether the individual [~~person~~] detained consented to the
3 search; and

4 (C) whether the peace officer knew the race or
5 ethnicity of the individual detained before detaining that
6 individual; and

7 (7) require the chief administrator of the agency,
8 regardless of whether the administrator is elected, employed, or
9 appointed, to submit [~~to the governing body of each county or~~
10 ~~municipality served by the agency~~] an annual report of the
11 information collected under Subdivision (6) to:

12 (A) the Commission on Law Enforcement Officer
13 Standards and Education; and

14 (B) the governing body of each county or
15 municipality served by the agency, if the agency is an agency of
16 a county, municipality, or other political subdivision of the
17 state.

18 (d) On adoption of a policy under Subsection (b), a law
19 enforcement agency shall examine the feasibility of installing
20 video camera and transmitter-activated equipment in each agency
21 law enforcement motor vehicle regularly used to make motor
22 vehicle [~~traffic~~] stops and transmitter-activated equipment in
23 each agency law enforcement motorcycle regularly used to make
24 motor vehicle [~~traffic~~] stops. If a law enforcement agency
25 installs video or audio equipment as provided by this
26 subsection, the policy adopted by the agency under Subsection
27 (b) must include standards for reviewing video and audio

1 documentation.

2 (e) A report required under Subsection (b)(7) may not
3 include identifying information about a peace officer who makes
4 a motor vehicle [~~traffic~~] stop or about an individual who is
5 stopped or arrested by a peace officer. This subsection does
6 not affect the collection of information as required by a policy
7 under Subsection (b)(6).

8 (g) On a finding by the Commission on Law Enforcement
9 Officer Standards and Education that the chief administrator of
10 a law enforcement agency intentionally failed to submit a report
11 required under Subsection (b)(7), the commission shall begin
12 disciplinary procedures against the chief administrator.

13 SECTION 26. Article 2.133, Code of Criminal Procedure, is
14 amended to read as follows:

15 Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [~~TRAFFIC~~
16 ~~AND PEDESTRIAN~~] STOPS. (a) In this article, "race [+

17 [~~(1)~~ "Race] or ethnicity" has the meaning assigned by
18 Article 2.132(a).

19 [~~(2)~~ "Pedestrian stop" means an interaction between a
20 peace officer and an individual who is being detained for the
21 purpose of a criminal investigation in which the individual is
22 not under arrest.]

23 (b) A peace officer who stops a motor vehicle for an
24 alleged violation of a law or ordinance [~~regulating traffic or~~
25 ~~who stops a pedestrian for any suspected offense~~] shall report
26 to the law enforcement agency that employs the officer
27 information relating to the stop, including:

1 (1) a physical description of any ~~[each]~~ person
2 operating the motor vehicle who is detained as a result of the
3 stop, including:

4 (A) the person's gender; and

5 (B) the person's race or ethnicity, as stated by
6 the person or, if the person does not state the person's race or
7 ethnicity, as determined by the officer to the best of the
8 officer's ability;

9 (2) the initial reason for the stop ~~[traffic law or~~
10 ~~ordinance alleged to have been violated or the suspected~~
11 ~~offense]~~;

12 (3) whether the officer conducted a search as a
13 result of the stop and, if so, whether the person detained
14 consented to the search;

15 (4) whether any contraband or other evidence was
16 discovered in the course of the search and a description ~~[the~~
17 ~~type]~~ of the contraband or evidence ~~[discovered]~~;

18 (5) the reason for the search, including whether:

19 (A) any contraband or other evidence was in
20 plain view;

21 (B) any probable cause or reasonable suspicion
22 existed to perform the search; or

23 (C) the search was performed as a result of the
24 towing of the motor vehicle or the arrest of any person in the
25 motor vehicle ~~[existed and the facts supporting the existence of~~
26 ~~that probable cause]~~;

27 (6) whether the officer made an arrest as a result of

1 the stop or the search, including a statement of whether the
2 arrest was based on a violation of the Penal Code, a violation
3 of a traffic law or ordinance, or an outstanding warrant and a
4 statement of the offense charged;

5 (7) the street address or approximate location of the
6 stop; and

7 (8) whether the officer issued a written warning or a
8 citation as a result of the stop[, ~~including a description of~~
9 ~~the warning or a statement of the violation charged~~].

10 SECTION 27. Article 2.134, Code of Criminal Procedure, is
11 amended by amending Subsections (a) through (e) and adding
12 Subsection (g) to read as follows:

13 (a) In this article:

14 (1) "Motor vehicle[, "pedestrian] stop" has the
15 meaning assigned by Article 2.132(a) [~~means an interaction~~
16 ~~between a peace officer and an individual who is being detained~~
17 ~~for the purpose of a criminal investigation in which the~~
18 ~~individual is not under arrest~~].

19 (2) "Race or ethnicity" has the meaning assigned by
20 Article 2.132(a).

21 (b) A law enforcement agency shall compile and analyze the
22 information contained in each report received by the agency
23 under Article 2.133. Not later than March 1 of each year, each
24 [~~local~~] law enforcement agency shall submit a report containing
25 the incident-based data [~~information~~] compiled during the
26 previous calendar year to the Commission on Law Enforcement
27 Officer Standards and Education and, if the law enforcement

1 agency is a local law enforcement agency, to the governing body
2 of each county or municipality served by the agency [~~in a manner~~
3 ~~approved by the agency~~].

4 (c) A report required under Subsection (b) must be
5 submitted by the chief administrator of the law enforcement
6 agency, regardless of whether the administrator is elected,
7 employed, or appointed, and must include:

8 (1) a comparative analysis of the information
9 compiled under Article 2.133 to:

10 (A) evaluate and compare the number of motor
11 vehicle stops, within the applicable jurisdiction, of persons
12 who are recognized as racial or ethnic minorities and persons
13 who are not recognized as racial or ethnic minorities [~~determine~~
14 ~~the prevalence of racial profiling by peace officers employed by~~
15 ~~the agency~~]; and

16 (B) examine the disposition of motor vehicle
17 [~~traffic and pedestrian~~] stops made by officers employed by the
18 agency, categorized according to the race or ethnicity of the
19 affected persons, as appropriate, including any searches
20 resulting from [the] stops within the applicable jurisdiction;
21 and

22 (2) information relating to each complaint filed with
23 the agency alleging that a peace officer employed by the agency
24 has engaged in racial profiling.

25 (d) A report required under Subsection (b) may not include
26 identifying information about a peace officer who makes a motor
27 vehicle [~~traffic or pedestrian~~] stop or about an individual who

1 is stopped or arrested by a peace officer. This subsection does
2 not affect the reporting of information required under Article
3 2.133(b)(1).

4 (e) The Commission on Law Enforcement Officer Standards
5 and Education, in accordance with Section 1701.162, Occupations
6 Code, shall develop guidelines for compiling and reporting
7 information as required by this article.

8 (g) On a finding by the Commission on Law Enforcement
9 Officer Standards and Education that the chief administrator of
10 a law enforcement agency intentionally failed to submit a report
11 required under Subsection (b), the commission shall begin
12 disciplinary procedures against the chief administrator.

13 SECTION 28. Article 2.135, Code of Criminal Procedure, is
14 amended to read as follows:

15 Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND
16 AUDIO EQUIPMENT. (a) A peace officer is exempt from the
17 reporting requirement under Article 2.133 and the chief
18 administrator of a law enforcement agency, regardless of whether
19 the administrator is elected, employed, or appointed, is exempt
20 from the compilation, analysis, and reporting requirements under
21 Article 2.134 if:

22 (1) during the calendar year preceding the date that
23 a report under Article 2.134 is required to be submitted:

24 (A) each law enforcement motor vehicle regularly
25 used by an officer employed by the agency to make motor vehicle
26 ~~[traffic and pedestrian]~~ stops is equipped with video camera and
27 transmitter-activated equipment and each law enforcement

1 motorcycle regularly used to make motor vehicle [~~traffic and~~
2 ~~pedestrian~~] stops is equipped with transmitter-activated
3 equipment; and

4 (B) each motor vehicle [~~traffic and pedestrian~~]
5 stop made by an officer employed by the agency that is capable
6 of being recorded by video and audio or audio equipment, as
7 appropriate, is recorded by using the equipment; or

8 (2) the governing body of the county or municipality
9 served by the law enforcement agency, in conjunction with the
10 law enforcement agency, certifies to the Department of Public
11 Safety, not later than the date specified by rule by the
12 department, that the law enforcement agency needs funds or video
13 and audio equipment for the purpose of installing video and
14 audio equipment as described by Subsection (a)(1)(A) and the
15 agency does not receive from the state funds or video and audio
16 equipment sufficient, as determined by the department, for the
17 agency to accomplish that purpose.

18 (b) Except as otherwise provided by this subsection, a law
19 enforcement agency that is exempt from the requirements under
20 Article 2.134 shall retain the video and audio or audio
21 documentation of each motor vehicle [~~traffic and pedestrian~~]
22 stop for at least 90 days after the date of the stop. If a
23 complaint is filed with the law enforcement agency alleging that
24 a peace officer employed by the agency has engaged in racial
25 profiling with respect to a motor vehicle [~~traffic or~~
26 ~~pedestrian~~] stop, the agency shall retain the video and audio or
27 audio record of the stop until final disposition of the

1 complaint.

2 (c) This article does not affect the collection or
3 reporting requirements under Article 2.132.

4 (d) In this article, "motor vehicle stop" has the meaning
5 assigned by Article 2.132(a).

6 SECTION 29. Chapter 2, Code of Criminal Procedure, is
7 amended by adding Article 2.1385 to read as follows:

8 Art. 2.1385. CIVIL PENALTY. (a) If the chief
9 administrator of a local law enforcement agency intentionally
10 fails to submit the incident-based data as required by Article
11 2.134, the agency is liable to the state for a civil penalty in
12 the amount of \$1,000 for each violation. The attorney general
13 may sue to collect a civil penalty under this subsection.

14 (b) From money appropriated to the agency for the
15 administration of the agency, the executive director of a state
16 law enforcement agency that intentionally fails to submit the
17 incident-based data as required by Article 2.134 shall remit to
18 the comptroller the amount of \$1,000 for each violation.

19 (c) Money collected under this article shall be deposited
20 in the state treasury to the credit of the general revenue fund.

21 SECTION 30. Subchapter A, Chapter 102, Code of Criminal
22 Procedure, is amended by adding Article 102.022 to read as
23 follows:

24 Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE
25 REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this
26 article, "moving violation" means an offense that:

27 (1) involves the operation of a motor vehicle; and

1 (2) is classified as a moving violation by the
2 Department of Public Safety under Section 708.052,
3 Transportation Code.

4 (b) A defendant convicted of a moving violation in a
5 justice court, county court, county court at law, or municipal
6 court shall pay a fee of 10 cents as a cost of court.

7 (c) In this article, a person is considered convicted if:

8 (1) a sentence is imposed on the person;

9 (2) the person receives community supervision,
10 including deferred adjudication; or

11 (3) the court defers final disposition of the
12 person's case.

13 (d) The clerks of the respective courts shall collect the
14 costs described by this article. The clerk shall keep separate
15 records of the funds collected as costs under this article and
16 shall deposit the funds in the county or municipal treasury, as
17 appropriate.

18 (e) The custodian of a county or municipal treasury shall:

19 (1) keep records of the amount of funds on deposit
20 collected under this article; and

21 (2) send to the comptroller before the last day of
22 the first month following each calendar quarter the funds
23 collected under this article during the preceding quarter.

24 (f) A county or municipality may retain 10 percent of the
25 funds collected under this article by an officer of the county
26 or municipality as a collection fee if the custodian of the
27 county or municipal treasury complies with Subsection (e).

1 (g) If no funds due as costs under this article are
2 deposited in a county or municipal treasury in a calendar
3 quarter, the custodian of the treasury shall file the report
4 required for the quarter in the regular manner and must state
5 that no funds were collected.

6 (h) The comptroller shall deposit the funds received under
7 this article to the credit of the Civil Justice Data Repository
8 fund in the general revenue fund, to be used only by the
9 Commission on Law Enforcement Officer Standards and Education to
10 implement duties under Section 1701.162, Occupations Code.

11 (i) Funds collected under this article are subject to
12 audit by the comptroller.

13 SECTION 31. (a) Section 102.061, Government Code, as
14 reenacted and amended by Chapter 921 (H.B. 3167), Acts of the
15 80th Legislature, Regular Session, 2007, is amended to conform
16 to the amendments made to Section 102.061, Government Code, by
17 Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular
18 Session, 2007, and is further amended to read as follows:

19 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
20 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk
21 of a statutory county court shall collect fees and costs under
22 the Code of Criminal Procedure on conviction of a defendant as
23 follows:

24 (1) a jury fee (Art. 102.004, Code of Criminal
25 Procedure) ... \$20;

26 (2) a fee for services of the clerk of the court
27 (Art. 102.005, Code of Criminal Procedure) ... \$40;

1 (3) a records management and preservation services
2 fee (Art. 102.005, Code of Criminal Procedure) ... \$25;

3 (4) a security fee on a misdemeanor offense (Art.
4 102.017, Code of Criminal Procedure) ... \$3;

5 (5) a graffiti eradication fee (Art. 102.0171, Code
6 of Criminal Procedure) ... \$5; ~~and~~

7 (6) a juvenile case manager fee (Art. 102.0174, Code
8 of Criminal Procedure) ... not to exceed \$5; and

9 (7) a civil justice fee (Art. 102.022, Code of
10 Criminal Procedure) ... \$0.10.

11 (b) Section 102.061, Government Code, as amended by
12 Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular
13 Session, 2007, is repealed. Section 102.061, Government Code,
14 as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the
15 80th Legislature, Regular Session, 2007, to reorganize and
16 renumber that section, continues in effect as further amended by
17 this section.

18 SECTION 32. (a) Section 102.081, Government Code, as
19 amended by Chapter 921 (H.B. 3167), Acts of the 80th
20 Legislature, Regular Session, 2007, is amended to conform to the
21 amendments made to Section 102.081, Government Code, by Chapter
22 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session,
23 2007, and is further amended to read as follows:

24 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
25 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
26 court shall collect fees and costs under the Code of Criminal
27 Procedure on conviction of a defendant as follows:

1 (1) a jury fee (Art. 102.004, Code of Criminal
2 Procedure) ... \$20;

3 (2) a fee for clerk of the court services (Art.
4 102.005, Code of Criminal Procedure) ... \$40;

5 (3) a records management and preservation services
6 fee (Art. 102.005, Code of Criminal Procedure) ... \$25;

7 (4) a security fee on a misdemeanor offense (Art.
8 102.017, Code of Criminal Procedure) ... \$3;

9 (5) a graffiti eradication fee (Art. 102.0171, Code
10 of Criminal Procedure) ... \$5; ~~and~~

11 (6) a juvenile case manager fee (Art. 102.0174, Code
12 of Criminal Procedure) ... not to exceed \$5; and

13 (7) a civil justice fee (Art. 102.022, Code of
14 Criminal Procedure) ... \$0.10.

15 (b) Section 102.081, Government Code, as amended by
16 Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular
17 Session, 2007, is repealed. Section 102.081, Government Code,
18 as amended by Chapter 921 (H.B. 3167), Acts of the 80th
19 Legislature, Regular Session, 2007, to reorganize and renumber
20 that section, continues in effect as further amended by this
21 section.

22 SECTION 33. Section 102.101, Government Code, is amended
23 to read as follows:

24 Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN
25 JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice
26 court shall collect fees and costs under the Code of Criminal
27 Procedure on conviction of a defendant as follows:

1 (1) a jury fee (Art. 102.004, Code of Criminal
2 Procedure) ... \$3;

3 (2) a fee for withdrawing request for jury less than
4 24 hours before time of trial (Art. 102.004, Code of Criminal
5 Procedure) ... \$3;

6 (3) a jury fee for two or more defendants tried
7 jointly (Art. 102.004, Code of Criminal Procedure) ... one jury
8 fee of \$3;

9 (4) a security fee on a misdemeanor offense (Art.
10 102.017, Code of Criminal Procedure) ... \$4;

11 (5) a fee for technology fund on a misdemeanor
12 offense (Art. 102.0173, Code of Criminal Procedure) ... \$4;

13 (6) a juvenile case manager fee (Art. 102.0174, Code
14 of Criminal Procedure) ... not to exceed \$5;

15 (7) a fee on conviction of certain offenses involving
16 issuing or passing a subsequently dishonored check (Art.
17 102.0071, Code of Criminal Procedure) ... not to exceed \$30; ~~and~~

18 (8) a court cost on conviction of a Class C
19 misdemeanor in a county with a population of 3.3 million or
20 more, if authorized by the county commissioners court (Art.
21 102.009, Code of Criminal Procedure) ... not to exceed \$7; and

22 (9) a civil justice fee (Art. 102.022, Code of
23 Criminal Procedure) ... \$0.10.

24 SECTION 34. Section 102.121, Government Code, is amended
25 to read as follows:

26 Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN
27 MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a

1 municipal court shall collect fees and costs on conviction of a
2 defendant as follows:

3 (1) a jury fee (Art. 102.004, Code of Criminal
4 Procedure) ... \$3;

5 (2) a fee for withdrawing request for jury less than
6 24 hours before time of trial (Art. 102.004, Code of Criminal
7 Procedure) ... \$3;

8 (3) a jury fee for two or more defendants tried
9 jointly (Art. 102.004, Code of Criminal Procedure) ... one jury
10 fee of \$3;

11 (4) a security fee on a misdemeanor offense (Art.
12 102.017, Code of Criminal Procedure) ... \$3;

13 (5) a fee for technology fund on a misdemeanor
14 offense (Art. 102.0172, Code of Criminal Procedure) ... not to
15 exceed \$4; ~~and~~

16 (6) a juvenile case manager fee (Art. 102.0174, Code
17 of Criminal Procedure) ... not to exceed \$5; and

18 (7) a civil justice fee (Art. 102.022, Code of
19 Criminal Procedure) ... \$0.10.

20 SECTION 35. The following laws are repealed:

21 (1) Section 1701.051(d), Occupations Code;

22 (2) Section 1701.156(c), Occupations Code;

23 (3) Section 1701.315, Occupations Code; and

24 (4) Section 1701.406, Occupations Code.

25 SECTION 36. (a) The changes in law made by this Act to
26 Sections 1701.053, 1701.056, and 1701.059, Occupations Code,
27 apply only to a member of the Texas Commission on Law

1 Enforcement Officer Standards and Education appointed on or
2 after the effective date of this Act and do not affect the
3 entitlement of a member serving on the commission immediately
4 before that date to continue to serve and function as a member
5 of the commission for the remainder of the member's term.

6 (b) Not later than March 1, 2010, the Texas Commission on
7 Law Enforcement Officer Standards and Education shall adopt
8 rules and policies required under:

9 (1) Sections 1701.202, 1701.254, and 1701.451,
10 Occupations Code, as amended by this Act; and

11 (2) Sections 1701.1521, 1701.1522, 1701.1523,
12 1701.1524, and 1701.162, Occupations Code, as added by this Act.

13 (c) The changes in law made by this Act with respect to
14 conduct that is grounds for the imposition of a disciplinary
15 sanction, including an administrative penalty, apply only to
16 conduct that occurs on or after the effective date of this Act.
17 Conduct that occurs before that date is governed by the law in
18 effect on the date the conduct occurred, and the former law is
19 continued in effect for that purpose.

20 (d) The Commission on Law Enforcement Officer Standards
21 and Education shall modify the training program required by
22 Section 1701.352(b), Occupations Code, as amended by this Act,
23 and ensure that the modified program is available not later than
24 January 1, 2010.

25 (e) A law enforcement agency affected by the change in law
26 made by this Act to Section 1701.355(a), Occupations Code, shall
27 designate a firearms proficiency officer not later than March 1,

1 2010. For purposes of this section, a state or local
2 governmental entity that employs one or more peace officers is a
3 law enforcement agency.

4 (f) The changes in law made by this Act to Section
5 1701.157(b), Occupations Code, apply to allocations made on or
6 after January 1, 2011. Allocations made before that date are
7 governed by the law in effect immediately before the effective
8 date of this Act, and the former law is continued in effect for
9 that purpose.

10 (g) The requirements of Articles 2.132, 2.133, and 2.134,
11 Code of Criminal Procedure, as amended by this Act, relating to
12 the compilation, analysis, and submission of incident-based data
13 apply only to information based on a motor vehicle stop
14 occurring on or after January 1, 2010.

15 (h) The imposition of a cost of court under Article
16 102.022, Code of Criminal Procedure, as added by this Act,
17 applies only to an offense committed on or after the effective
18 date of this Act. An offense committed before the effective
19 date of this Act is covered by the law in effect when the
20 offense was committed, and the former law is continued in effect
21 for that purpose. For purposes of this section, an offense was
22 committed before the effective date of this Act if any element
23 of the offense occurred before that date.

24 SECTION 37. This Act takes effect September 1, 2009.

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HOUSE VERSION

SECTION 1. Amends Sec. 1701.002, Occupations Code. Changes the sunset date for the Texas Commission on Law Enforcement Officer Standards and Education from 2009 to 2021.

SECTION 2. Amends Sec. 1701.053, Occupations Code. Adds standard Sunset language prohibiting a person from serving as a Commission member or high-level agency employee if the person, or their spouse, is an officer, employee, or paid consultant of the regulated industry.

SECTION 3. Amends Sec. 1701.056(a), Occupations Code. Adds standard Sunset language specifying the grounds for removing a Commission member.

SECTION 4. Amends Sec. 1701.059, Occupations Code. Adds standard Sunset language requiring members of the Commission to complete training before assuming their duties.

SECTION 5. Amends Sec. 1701.153(b), Occupations Code. Requires the Commission to furnish access to electronic submission forms for each agency and training school when the system under Sec. 1701.1523 is established.

SECTION 6. Amends Sec. 1701.157 (b) and (c), Occupations Code. Requires law enforcement agencies to report to the Comptroller the number of peace officer

SENATE VERSION

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version.

SECTION 6. Same as House version, but changes the word "reserved" to "authorized" regarding the number of peace officer positions at a law enforcement agency.

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version.

SECTION 6. Same as Senate version.

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HOUSE VERSION

SENATE VERSION

CONFERENCE

positions in the law enforcement agency and how LEOSE funds are spent for training purposes. Removes the requirement for monetary records to be maintained in written form.

SECTION 7. Adds Sections 1701.1521, 1701.1522, 1701.1523, 1701.1524, 1701.162, and 1701.163, Occupations Code.

SECTION 7. Same as House version.

SECTION 7. Same as House version.

Sec. 1701.1521. USE OF TECHNOLOGY. Adds standard Sunset language requiring the Commission to make effective use of technology in its delivery of services and provision of information to the public.

Sec. 1701.1522 ALTERNATIVE DISPUTE RESOLUTION. Adds standard Sunset language requiring the Commission to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution.

Sec. 1701.1523 ELECTRONIC SUBMISSION OF FORMS, DATA, AND DOCUMENTS. Requires the Commission to develop and implement electronic submission methods for information the Commission requires from law enforcement agencies.

Sec. 1701.1524 RULES RELATING TO CONSEQUENCES OF CRIMINAL CONVICTION OR DEFERRED ADJUDICATION. Requires the Commission to clearly identify which crimes relate to the ability of a person to perform the occupation of county jailer.

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HOUSE VERSION

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CONFERENCE

Sec. 1701.162. RECORDS AND AUDIT REQUIREMENTS. Requires the Commission to establish clear rules for conducting audits of law enforcement agencies. Requires the Commission to establish a risk assessment methodology for the Commission's audit function.

Sec. 1701.163 INFORMATION PROVIDED BY COMMISSIONING ENTITIES. Establishes standards for establishment of a new law enforcement agency. Standards include the political subdivision's need for a law enforcement agency, demonstration of resources and facilities, policies such as use of force, administrative structure, and insurance.

SECTION 8. Adds Sec. 1701.164, Occupations Code. Requires the Commission to collect and maintain racial profiling reports.

SECTION 9. Amends Sec. 1701.202, Occupations Code. Requires the Commission to adopt procedures for all phases of the jurisdictional complaint process. Requires the Commission to clearly outline its enforcement process and make information about the process available to licensees and the public.

SECTION 10. Amends Sec. 1701.203, Occupations Code. Adds standard Sunset language requiring the Commission

SECTION 8. No equivalent provision. (Removed by Amendment 2.)

SECTION 9. Same as House version.

SECTION 10. Same as House version, except it inserts the word "jurisdictional" to clarify this language only refers to

SECTION 8. Same as Senate version.

SECTION 9. Same as House version.

SECTION 10. Same as Senate version.

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HOUSE VERSION

SENATE VERSION

CONFERENCE

to maintain information on all complaints and notify the parties about policies for and status of complaints.

jurisdictional complaints.

SECTION 11. Adds Sec. 1701.2035, Occupations Code. Requires the Commission to analyze sources and types of complaints to identify and address problem areas and trends.

SECTION 11. Same as House version.

SECTION 11. Same as House version.

SECTION 12. Adds Sec. 1701.253(k), Occupations Code. Requires the Commission to develop a continuing education course on state and federal law pertaining to peace officers.

SECTION 12. Same as House version.

SECTION 12. Same as House version.

SECTION 13. Adds Sec. 1701.254(d), Occupations Code. Provides that TCLEOSE clarify its enforcement procedures for "at-risk" training providers.

SECTION 13. Same as House version.

SECTION 13. Same as House version.

SECTION 14. Amends Sec. 1701.255(c), Occupations Code. Removes the provision requiring applicants with a high school equivalency certificate to obtain 12 credit hours from an institution of higher education and meet minimum grade point average requirements to enter a peace officer training program.

SECTION 14. Same as House version.

SECTION 14. Same as House version.

SECTION 15. Adds Sec. 1701.3095, Occupations Code. Requires recipients of a high school equivalency certificate (GED) to obtain 12 credit hours from an accredited college or university as a prerequisite to obtaining a peace officer license.

No equivalent provision.

SECTION 15. Same as Senate version.

House Bill 3389
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Section-by-Section Analysis

HOUSE VERSION

SECTION 16. Adds Sec. 1701.351(a-1), Occupations Code. Requires all peace officers to take a continuing education course on state and federal law.

SECTION 17. Amends Sec. 1701.352 (b) and (g), Occupations Code. Limits requirement for peace officers to take continuing education topics on civil rights, racial sensitivity, and cultural diversity to officers with a basic proficiency. Adds requirement for peace officers to take de-escalation and crisis intervention training. Requires TCLEOSE to determine best practices for interaction with person with mental impairments and review the training program at least once every 24 months. Prohibits the course from being offered online.

SECTION 18. Adds Sec. 1701.402(h) and (i), Occupations Code. Makes civil rights, racial sensitivity, cultural diversity, as well as special investigative topics a prerequisite for intermediate proficiency.

SECTION 19. Amends Sec. 1701.355(a), Occupations Code. Requires annual firearms proficiency for peace officers in law enforcement agencies with *one* or more peace officers instead of *two* or more peace officers.

SECTION 20. Amends Sec. 1701.451(a), (b), and (c) Occupations Code. Removes the requirement for employment termination requests to be submitted in written form. Requires the Commission to establish a system to

SENATE VERSION

SECTION 15. Same as House version.

SECTION 16. Same as House version.

SECTION 17. Same as House version.

SECTION 18. Same as House version.

SECTION 19. Same as House version.

CONFERENCE

SECTION 16. Same as House version.

SECTION 17. Same as House version.

SECTION 18. Same as House version.

SECTION 19. Same as House version.

SECTION 20. Same as House version.

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verify this request electronically.

SECTION 21. Adds Sec. 1701.4525(g), Occupations Code. Clarifies that TCLEOSE is not a party to F-5 (discharge paper) disputes.

SECTION 22. Amends Sec. 1701.453, Occupations Code. Removes the requirement for employment termination records and statements to be maintained in written form.

SECTION 23. Adds Sec. 1701.507, Occupations Code. Authorizes TCLEOSE to levy administrative penalties against law enforcement agencies that violate the Commission's statute or rules.

SECTION 24. Adds Sec. 1701.554, Occupations Code. Establishes the venue for the prosecution of criminal violations of Occupations Code, Chapter 1701 as Travis County or the county where the offense occurred.

SECTION 25. Amends Article 2.132(b), Code of Criminal Procedure. Requires law enforcement agencies to submit annual racial profiling reports to TCLEOSE. Adds requirement for law enforcement agencies to report whether a peace officer knew the race of an individual before detaining them.

SECTION 20. Same as House version.

SECTION 21. Same as House version.

SECTION 22. Same as House version, except amended by Amendment 1 by replacing the word "person" with "law enforcement agency or governmental entity" to clarify the intent of the provision is to authorize TCLEOSE to levy administrative penalties against law enforcement agencies, not individual peace officers.

SECTION 23. Same as House version.

SECTION 24. Removed by Amendment 2. Amendment 2 adds language similar to House version. Adds requirement that law enforcement agencies submit the racial profiling report to the governing body of the municipality and county – in addition to TCLEOSE. Also specifies chief administrator is responsible for submitting the report. The amendment includes the same language as

SECTION 21. Same as House version.

SECTION 22. Same as House version.

SECTION 23. Same as Senate version.

SECTION 24. Same as House version.

SECTION 25. Same as Senate version.

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SECTION 26. Amends Article 2.134(b), Code of Criminal Procedure. Requires law enforcement agencies to submit annual racial profiling reports to TCLEOSE by March 1st of each year.

SECTION 27. Repeals the following sections of the Occupations Code:

1701.051(d) - Removes ex officio members from the Commission's composition.

1701.156(c) - Removes the provision that transfers money from the TCLEOSE dedicated account to general revenue at the end of each fiscal year.

1701.315 - Removes record and audit requirements from this section but puts them in Section 1701.162

1701.406 - Removes the requirement for the Commission to establish standards for the certification of *all* county jail personnel.

SECTION 28. Instructional provision provides that changes regarding eligibility for Commission membership applies only to members appointed on or after September 1, 2009. Requires the Commission to adopt rules and policies required in the bill by March 1, 2010. Provides that changes regarding conduct that is grounds for disciplinary action applies only to conduct that occurs on or after

the House version requiring law enforcement agencies to report whether a peace officer knew the race of an individual before detaining them.

SECTION 25. Removed by Amendment 2. Amendment 2 adds the same language as the House version, but replaces the word "information" with "incident based data."

SECTION 26. Same as House version.

SECTION 27. Same as House version.

SECTION 26. Same as Senate version.

SECTION 27. Same as House version.

SECTION 28. Same as House version.

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September 1, 2009. Provides that law enforcement agencies with only one peace officer must designate a firearms proficiency officer by March 1, 2010. Provides that TCLEOSE modify their crisis intervention training program and make it available by January 1, 2010. Provides that changes in law apply only to LEOSE allocations made on or after January 1, 2011.

SECTION 29. Instructional provision provides that changes in racial profiling reports in Articles 2.132(b) and 2.134(b) apply only to reports submitted on or after September 1, 2009.

SECTION 30. Establishes the effective date of the Act as September 1, 2009.

No equivalent provision.

SECTION 28. Removed by Amendment 2. Amendment 2 inserts an instructional provision similar to the House version. Provides that the requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010. Provides that court fees on moving violations applies only to offenses committed on or after September 1, 2009.

SECTION 29. Same as House version.

SECTION __. Amendment 1. Amends Article 59.06, Code of Criminal Procedure. Replaces the word "person" with "law enforcement agency or governmental entity" to clarify the intent of the provision is to authorize TCLEOSE to levy administrative penalties against law enforcement agencies, not individual peace officers.

SECTION 29. Same as Senate version.

SECTION 30. Same as House version.

Same as Senate version.

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No equivalent provision.

SECTION __. Amendment 2.

Amends Article 2.132(a), (b), (d), (e), and adds subsection (g), Code of Criminal Procedure. Defines "motor vehicle stop," and redefines "law enforcement agency" and "race or ethnicity." Requires each law enforcement agency to adopt a detailed written policy on racial profiling that is required to include a collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to whether a search was conducted and, if so, whether the individual, rather than person, detained consented to the search. Requires the chief administrator of the agency to submit to the governing body of each county or municipality an annual racial profiling report. Requires TCLEOSE to begin disciplinary procedures against the chief administrator of a law enforcement agency if the chief administrator intentionally failed to submit a report.

Same as Senate version.

No equivalent provision.

SECTION __. Amendment 2.

Amends Article 2.133, Code of Criminal Procedure,. Defines "race or ethnicity." Requires a peace officer who stops a motor vehicle for an alleged violation of a law or ordinance to report physical descriptions of any person operating the motor vehicle who is detained as a result of the stop; the initial reason for the stop; whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence; the reason for the search; whether any probable cause or reasonable suspicions existed to perform the search; or whether the search was performed as a result of

Same as Senate version.

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the towing of the motor vehicle or the arrest of any person in the motor vehicle; whether the officer made an arrest as a result of the stop or the search, and the basis for the arrest; and whether the officer issued a written warning or a citation as a result of the stop.

No equivalent provision.

SECTION ___. Amendment 2.

Amends Article 2.134 (a) through (e) and adds subsection (g), Code of Criminal Procedure. Requires each law enforcement agency, not later than March 1 of each year, to submit a racial profiling report to TCLEOSE and the governing body of each county or municipality served by the agency. Requires a racial profiling report to be submitted by the chief administrator of the law enforcement agency, and requires the report to include a comparative analysis of the information compiled under Article 2.133 to evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities, and examine the disposition of motor vehicle stops, made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, including any searches resulting from stops within the applicable jurisdiction; and information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

Same as Senate version.

Prohibits a racial profiling report from including identifying information about a peace officer who makes a

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motor vehicle, or about an individual who is stopped or arrested by a peace officer. Requires TCLEOSE to develop guidelines for compiling and reporting information as required by this article. Requires TCLEOSE to begin disciplinary procedures against the chief administrator of a law enforcement agency if the chief administrator intentionally failed to submit a report.

No equivalent provision.

SECTION __. Amendment 2.
Amends Article 2.135, Code of Criminal Procedure. Provides that a peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, is exempt from the compilation, analysis, and reporting requirements under Article 2.134, if certain conditions exist.

Same as Senate version.

No equivalent provision.

SECTION __. Amendment 2.
Adds Article 2.1385, Code of Criminal Procedure. Provides that if the chief administrator of a state or local law enforcement agency intentionally fails to submit a racial profiling report, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. Authorizes the attorney general to sue to collect a civil penalty under this subsection. Requires money collected under this article to be deposited in the state treasury to the credit of the general revenue fund.

Same as Senate version.

No equivalent provision.

SECTION __. Amendment 2.
Adds Article 102.022, Code of Criminal Procedure.

Same as Senate version.

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Requires a defendant convicted of a moving violation to pay a fee of 10 cents as a cost of court. Requires the clerks of the respective courts to collect the costs. Requires the clerk to keep separate records of the funds collected as costs under this article and to deposit the funds in the county or municipal treasury. Authorizes a county or municipality to retain 10 percent of the funds collected as a collection fee. Requires the custodian of the treasury to file the report required for the quarter in the regular manner and authorizes the custodian of the treasury to state that no funds were collected, if no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter. Requires the comptroller to deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by TCLEOSE to implement collection and maintenance of racial profiling reports. Provides that funds collected under this article are subject to audit by the comptroller.

No equivalent provision.

SECTION __. Amendment 2.
Amends Sec. 102.061. Requires the clerk of a statutory county court to collect under the Code of Criminal Procedure on conviction of a defendant certain fees, including a juvenile delinquency prevention and graffiti eradication fee of \$50, rather than \$5, and a civil justice fee of \$0.10.

Same as Senate version, except it removes language changing the name and cost of the \$5 graffiti eradication fee to a \$50 juvenile delinquency prevention and graffiti eradication fee.

No equivalent provision.

SECTION __. Amendment 2.

Same as Senate version, except it removes language

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	<p>Amends Sec. 102.081, Government Code. Requires the clerk of a statutory county court to collect under the Code of Criminal Procedure on conviction of a defendant certain fees, including a juvenile delinquency prevention and graffiti eradication fee of \$50, rather than \$5, and a civil justice fee of \$0.10.</p>	<p>changing the name and cost of the \$5 graffiti eradication fee to a \$50 juvenile delinquency prevention and graffiti eradication fee.</p>
<p>No equivalent provision.</p>	<p>SECTION __. Amendment 2. Amends Sec. 102.101, Government Code. Requires a clerk of a justice court to collect certain fees and costs on conviction of a defendant including for a civil justice fee of \$0.10.</p>	<p>Same as Senate version.</p>
<p>No equivalent provision.</p>	<p>SECTION __. Amendment 2. Amends Sec. 102.121, Government Code. Requires the clerk of a municipal court to collect certain fees and costs on conviction of a defendant, including a civil justice fee of \$0.10.</p>	<p>Same as Senate version.</p>
<p>No equivalent provision.</p>	<p>SECTION __. Amendment 2. Adds Sec. 1701.162, Occupations Code. Requires TCLEOSE to collect and maintain racial profiling reports. Requires TCLEOSE, in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the University of North Texas, and the Texas Police Chiefs Association to develop guidelines for submitting in a standard format the racial profiling report.</p>	<p>Same as Senate version.</p>

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No equivalent provision.

SECTION __. Amendment 2.
Amends Sec. 1701.501(a), Occupations Code. Requires TCLEOSE to revoke or suspend a license, placed on probation a person whose license has been suspended, or reprimand a license holder for a violation of the racial profiling reporting requirements.

Same as Senate version.

No equivalent provision.

SECTION __. Amendment 2. Instructional Provision provides that the requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010. Makes application of this Act prospective.

Same as Senate version.

No equivalent provision

SECTION __. Amendment 3.
Adds Sec. (r) and (s) to Article 59.06, Code of Criminal Procedure. Authorizes a law enforcement agency to 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 agency, as applicable. Requires the agency to administer the separate special fund. Requires that interest received from the investment of money in the fund be credited to the fund. Authorizes the agency to use money in the fund only to provide scholarships to children of peace officers who were employed by the agency or by another agency with which the agency has overlapping geographic jurisdiction and who were killed in the line of duty. Authorizes

Same as House version.

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scholarships under this subsection to 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. Requires the attorney general, not later than April 1 of each year, to develop a report detailing the total value of forfeited property in this state. Requires the attorney general to maintain on its website a link to the most recent annual report.

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: HB3389 by Harper-Brown (relating to), Conference Committee Report

Estimated Two-year Net Impact to General Revenue Related Funds for HB3389, Conference Committee Report: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/ (Loss) from <i>New General Revenue Dedicated - Civil Justice Data Repository</i>	Probable Savings/(Cost) from <i>New General Revenue Dedicated - Civil Justice Data Repository</i>	Change in Number of State Employees from FY 2007
2010	\$121,394	(\$159,735)	2.0
2011	\$291,479	(\$143,735)	2.0
2012	\$292,146	(\$143,735)	2.0
2013	\$292,813	(\$143,735)	2.0
2014	\$293,480	(\$143,735)	2.0

Fiscal Analysis

The Commission on Law Enforcement Officer Standards and Education (TCLEOSE) is subject to the Sunset Act and will be abolished on September 1, 2009, unless continued by the Legislature. The bill contains the following Sunset Advisory Commission recommendations.

- Provides that TCLEOSE clarify its enforcement procedures for training providers.
- Requires the Commission to develop and implement electronic submission methods for information the Commission requires from law enforcement agencies. Sunset states no significant fiscal impact is expected because many commission forms are already available electronically and the commission

also has begun accepting electronically submitted forms.

- Requires law enforcement agencies to report to the Comptroller of Public Accounts the number of peace officer positions in the law enforcement agency and how TCLEOSE funds are spent for training purposes.
- Requires the Commission to establish clear rules for conducting audits of law enforcement agencies and establish a risk assessment methodology.
- Requires the Commission to clearly identify which crimes relate to the ability of a person to perform the occupation of a county jailer.
- Removes the requirement for the Commission to establish standards for the certification of all county jail personnel, beyond regulation of county jailers.
- Establishes standards for the creation of a new law enforcement agency. Standards include the political subdivision's need for a law enforcement agency, demonstration of resources and facilities, policies such as use of force, administrative structure, and insurance.
- Requires the Commission to clearly outline its enforcement process, adopt procedures, and make information about the process available to licensees and the public.
- Requires the Commission to analyze sources and types of jurisdictional complaints to identify and address problem areas and trends. Sunset states the Commission already performs these tasks in a rudimentary way. The provisions setting standards for data collection and analysis should create no significant fiscal impact.
- Requires all peace officers to take a continuing education course on state and federal law every 24 months. Eliminates requirement for every peace officer to take continuing education topics on civil rights, racial sensitivity, and cultural diversity every four years; limits only to those peace officers that have not yet obtained intermediate proficiency. Makes civil rights, racial sensitivity, cultural diversity, as well as special investigative topics a prerequisite for intermediate proficiency.
- Requires that an agency that employs one or more peace officers shall designate a firearms proficiency officer and require each agency peace officer to demonstrate weapons proficiency at least annually.
- Authorizes TCLEOSE to levy administrative penalties against law enforcement agencies that violate the Commission's statute or rules. The addition of this new administrative penalty is new to the commission. Sunset estimates minimal use of the penalty and that potential revenue gains can not be determined.
- Clarifies that TCLEOSE is not a party to F-5, or discharge paper, disputes.
- Requires peace officers with a basic proficiency certificate to take de-escalation and crisis intervention training to facilitate interaction with persons with mental impairments once every four years. Requires TCLEOSE to determine best practices for interaction with person with mental impairments and review the training program at least once every 24 months. Prohibits the course from being offered online.
- Removes language changing the name and cost of the \$5 graffiti eradication fee to a \$50 juvenile delinquency prevention and graffiti eradication fee. Sunset states this provision is already current law and the text change is for consistency purposes only.
- Applies standard Sunset Advisory Commission across-the-board recommendations or updates language already in statute.
- The bill repeals Occupations Code, Sections 1701.315 and 1701.406. The bill also repeals Occupations Code, Section 1701.051(d) which removes ex officio members from the Commission's

composition.

- Continues the Texas Commission on Law Enforcement Officer Standards and Education for 12 years. The bill would take effect on September 1, 2009.

Methodology

The bill would amend the law prohibiting peace officers from engaging in racial profiling and requiring reports on motor vehicle traffic stops in which a citation is issued or an arrest is made. These provisions require TCLEOSE to begin disciplinary procedures against the chief administrator of an agency that has intentionally failed to submit any of the statutory required reports. The bill would require each defendant convicted of a moving violation in a justice court, county court, county court at law court, or municipal court to pay a fee of 10 cents as a cost of courts. The bill states that the 10 cent fee is to be deposited to the Civil Justice Data Repository fund by the Comptroller of Public Accounts (CPA) to be used only by TCLEOSE to implement their duties under Occupations Code, Section 1701. The bill states that TCLEOSE in coordination with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the Texas Police Chiefs Association, and the W.W. Caruth, Jr., Police Institute at Dallas shall develop guidelines for submitting the incident-based data report. These provisions would apply to motor vehicle stops occurring on or after January 1, 2010.

The CPA indicates revenue estimates were based on historical data from county-level justice and municipal courts and were adjusted for growth, indigency, and implementation. The CPA reports the new court costs for criminal cases were multiplied by the total number of convictions, reduced to reflect the historical non-collection rates, and adjusted for an implementation lag. Based on these assumptions the revenue for the \$0.10 court cost would be \$121,394 in fiscal year 2010, \$291,479 in fiscal year 2011, \$292,146 in fiscal year 2012, \$292,813 in fiscal year 2013 and \$293,480 in fiscal year 2014.

These bill would create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside of the Treasury, or create a dedicated revenue source. Therefore, the fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Based on the creation of a website that does not currently exist including an increased information resources workload including punitive action against non-compliant agency administrators, TCLEOSE states they would require two additional Program Specialist FTEs under the B11 salary group at a combined \$104,837 per year for a total of \$143,235 (including benefit costs and rent) each year.

The Department of Public Safety, the Office of Attorney General, the Texas State University System and the University of North Texas anticipate these provisions of the bill would have no significant fiscal impact to their agencies.

The bill would also repeal Occupations Code, Section 1701.156 (c), which states the money in the Law Enforcement Officer Standards and Education Fund by the end of the fiscal year, other than money encumbered by TCLEOSE and money allocated by the CPA under Occupations Code, Section 1701.157 shall be transferred to the General Revenue Fund. The amount of revenue transferred from General Revenue-Dedicated Account 0116 to the General Revenue Fund as a result of the bill cannot be determined according to the CPA. The CPA states that any net gain or loss from the transfer of existing funds from the bill would be dependent upon appropriations made in the 2010-11 General Appropriations Act.

Technology

TCLEOSE includes technology costs estimated for the creation and maintenance of the website totaling \$16,500 in 2010 and \$500 in 2011 through 2014 for annual website operating costs.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education, 752 University of North Texas, 758 Texas State University System

LBB Staff: JOB, KK, GG, LG, ESi, TP, DB