

## CHAPTER 907

## H.B. No. 1592

An Act relating to licensing and certification requirements for and certain records concerning peace officers and to park ranger departments in certain counties.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Sections 2(a) and (i), Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The Commission shall have the authority and power to:

(1) Promulgate rules and regulations for the administration of this Act including the authority to require the submission of reports and information by any state, county, *special district*, or municipal agency within this state which employs peace officers, jailers or guards of county jails, or reserve law enforcement officers.

(2) Establish minimum standards that relate to competence and reliability, including educational, training, physical, mental and moral standards for licensing as a peace officer [~~jailer or guard of a county jail;~~] or reserve law enforcement officer [~~(A)~~] in a permanent position, and licensing as a jailer or guard of a county jail in a permanent, [~~positions; and (B) in~~] temporary, or probationary status.

(3) Issue [~~temporary or~~] permanent licenses to persons qualified under the provisions of this Act to be peace officers [~~jailers or guards of county jails;~~] or reserve law enforcement officers, and issue temporary or permanent licenses to persons qualified to be jailers or guards of county jails.

(4) Certify persons as having qualified as instructors under such conditions as the Commission may prescribe.

(5) Establish minimum curriculum requirements for preparatory, in-service and advanced courses and programs for schools or academies operated by or for the state or any political subdivisions thereof for the specific purpose of training peace officers, jailers and guards of county jails, or reserve law enforcement officers, or recruits for those positions.

(6) Consult and cooperate with counties, *special districts*, municipalities, agencies of this state, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of training schools and programs of courses of instruction for peace officers, jailers or guards of county jails, or reserve law enforcement officers.

(7) Approve, or revoke the approval of, institutions and facilities for schools operated by or for the state or any political subdivision thereof for the specific purpose of training peace officers, jailers and guards of county jails, reserve law enforcement officers, or recruits for those positions, and issue certificates of approval to such institutions and revoke such certificates of approval.

(8) Operate schools and facilities thereof and conduct courses therein, both preparatory, in-service, basic and advanced courses, for peace officers, jailers or guards of county jails, or reserve law enforcement officers, and recruits for those positions as the Commission may determine.

(9) Contract with other agencies, public or private, or persons, as the Commission deems necessary for the rendition and affording of such services, facilities, studies and reports as it may require to cooperate with municipal, county, *special district*, state and federal law enforcement agencies in training programs, and to otherwise perform its functions.

(10) Make or encourage studies of any aspect of law enforcement, including police administration.

(11) Conduct and stimulate research by public and private agencies which shall be designed to improve law enforcement and police administration.

(12) Employ an Executive Director and such other personnel as may be necessary in the performance of its functions.

(13) Visit and inspect all institutions and facilities conducting courses for the training of peace officers, jailers or guards of county jails, or reserve law enforcement officers, and recruits for those positions, and make evaluations as may be necessary to determine if they are complying with the provisions of this Act and the Commission's rules and regulations.

(14) Adopt and amend rules and regulations, consistent with law, for its internal management and control.

(15) Accept any donations, contributions, grants or gifts from private individuals or foundations or the federal government.

(16) Report to the Governor and to the Legislature on its activities, with its recommendations relating to any matter within its purview, and make such other reports as it deems desirable.

(17) In addition to meeting in the manner required by Subsection (b) of this section, meet at such times and places in the State of Texas as it deems proper; meetings shall be called by the Chairman upon his own motion, or upon the written request of five members.

(18) Establish procedures for the revocation of licenses issued to a peace officer, a jailer or a guard of a county jail, or a reserve law enforcement officer under the provisions of this Act, *except that those provisions may not apply to a law enforcement officer elected under the Texas Constitution.*

(19) Establish procedures for the issuance of professional achievement or proficiency certificates based upon law enforcement training, education, and experience.

(20) Establish reasonable and necessary fees for the administration of this Act.

(21) *Establish requirements for certification of and procedures for revocation of licenses of a law enforcement officer elected under the Texas Constitution, with the exception of sheriffs, after September 1, 1985.*

(i) The Commission may require a state, county, *special district*, or municipal agency that employs peace officers to provide each officer with a Commission-approved training course during a 24-month period. The course may not exceed 40 hours in length.

**SECTION 2.** Section 6, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended by amending Subsections (b), (f), (g), (h), (j), and (k) and by adding Subsections (p) and (q) to read as follows:

(b) Except as provided by Subsection (a) of this Section, a person *appointed as a peace officer or reserve law enforcement officer before July 1, 1986*, who has not satisfactorily completed preparatory training in law enforcement at a school that is operated by or approved by the Commission is eligible to be appointed as a peace officer or reserve law enforcement officer only on a probationary basis. A probationary peace officer or a probationary reserve law enforcement officer who fails to complete the required training within the probationary period must be removed from office and may not be reappointed on a probationary basis. The probationary period expires 12 months after the date of the original appointment except that:

(1) if a probationary peace officer is enrolled in and attending approved law enforcement training at the end of the one-year period, the probationary period is extended until the peace officer completes or ceases to attend the training course; and

(2) if a probationary peace officer is employed in a regional planning commission area in which no approved course is offered during the one-year period, the probationary period is extended until the date the first course in that area is offered and, if the peace officer enrolls in and attends the course, until the date on which the peace officer completes or ceases to attend the course.

*The Commission may not issue a probationary license to a peace officer or reserve law enforcement officer who was not appointed before July 1, 1986; however, the Commission shall adopt rules to allow a law enforcement agency to petition for a temporary probationary license for a peace officer or reserve law enforcement officer when the law enforcement agency can substantiate that it has a manpower shortage. The Commission may not issue a permanent license to a peace officer or reserve law enforcement officer who was not appointed before July 1, 1986, unless the officer has completed the preparatory training required by this Act and has passed any appropriate licensing examination required by this Act or by other law. The employing agency may contract with a person employed as a peace officer for reimbursement from the officer of the actual cost of the basic preparatory training course if the officer voluntarily resigns from the employing agency before a date specified in the contract. The date specified in the contract may not, in any event, be later than one year after the officer began work for the agency. The contract shall plainly state the actual cost of the basic preparatory training course.*

(f) Nothing herein shall be construed to preclude an employing agency from establishing qualifications and standards for hiring or training peace officers, jailers or guards of county jails,

or reserve law enforcement officers which exceed the minimum standards set by the Commission nor shall anything herein be construed to affect any sheriff, constable or other law enforcement officer elected under the provisions of the Constitution of the State of Texas prior to September 1, 1985, nor shall it affect sheriffs elected after September 1, 1985.

(g) Any peace officer already serving under permanent appointment prior to September 1, 1970, ~~[and any sheriff, constable, or other law enforcement officer elected to office under the provisions of the Constitution of the State of Texas,]~~ shall be eligible to attend peace officer training courses subject to the rules and regulations established by the Commission.

(h) "Peace officer," for the purposes of this Act, means *any person employed or appointed as a peace officer under law, including but not limited to [only] a person so designated by Article 2.12, Code of Criminal Procedure, 1965, or by Section 51.212 or 51.214, [Texas] Education Code.*

(j) The Commission shall maintain records submitted in accordance with Sections 6(c) and 7A(c) of this Act as evidence of qualifications for employment of peace officers, *reserve law enforcement officers, or [of] jailers or guards of a county jail, including records that relate to age, education, physical standards, citizenship, good moral character, experience, and other matters relating to competence and reliability, and the Commission shall maintain records of a psychologist's or psychiatrist's [physician's] declaration of psychological and emotional health of, and a physician's declaration of lack of drug dependency or illegal drug usage by, a peace officer, reserve law enforcement officer, or [of a] jailer or guard of a county jail. If the Commission has on record evidence of fulfillment of employment or appointment qualifications of a peace officer, reserve law enforcement officer, or [of a] jailer or guard of a county jail, the peace officer, reserve law enforcement officer, jailer, or guard may not be required to submit duplicate records of qualifications if the peace officer, reserve law enforcement officer, jailer, or guard is employed or appointed by another law enforcement agency as a peace officer, reserve law enforcement officer, or [a] jailer or guard of a county jail.*

(k) After submitting the proper application, a peace officer, reserve law enforcement officer, or [a] jailer or guard of a county jail who has completed the required training, received a passing grade on the examination required by Section 6B of this Act, is declared to be in satisfactory psychological and emotional health *and free from drug dependency or illegal drug usage* as required by Section 7A of this Act, has demonstrated weapons proficiency if required to by Section 7(c) of this Act, and has acquired the necessary experience for certification shall be certified by the Commission. A certified peace officer, a certified reserve law enforcement officer, or a certified jailer or guard of a county jail may be employed or appointed by a law enforcement agency and the law enforcement agency shall report the employment or appointment to the Commission within 30 days after the date of employment or appointment. If there is a break in employment of a peace officer, reserve law enforcement officer, or [of a] jailer or guard of a county jail for a period of 180 days or more, the appointing law enforcement agency shall also include with its report a new criminal history record check, a new declaration of psychological and emotional health *and lack of drug dependency or illegal drug usage*, and two completed fingerprint cards. *The Commission shall adopt rules relating to requirements to have a peace officer's license reactivated after a break in employment. The Commission may consider employment as a peace officer in another state in determining whether to require that a person undergo additional training or testing. The Commission shall adopt rules establishing a list of active licensed peace officers and a list of inactive licensed peace officers who leave the employment of a law enforcement agency.*

(p) *This subsection does not apply to sheriffs, or to a law enforcement officer elected under the Texas Constitution on or before September 1, 1985. Each law enforcement officer elected under the Texas Constitution after September 1, 1985, must be licensed by the Commission not later than two years after the date on which the law enforcement officer assumes office. Failure to obtain a license by the required date constitutes incompetency and is a ground for removal from office as prescribed by Article 5972, Revised Statutes. Failure to remain licensed also constitutes incompetency and is a ground for removal from office as prescribed by Article 5972, Revised Statutes.*

(q) *The Commission shall adopt rules raising to 21 years of age the minimum entry level age requirement for licensing as a peace officer or reserve law enforcement officer. The rules must also provide that a person younger than 21 years of age may be licensed as a peace officer or reserve law enforcement officer if the person is at least 18 years of age and has:*

(1) *successfully completed and received credit for at least 60 hours of study at an accredited college or university;*

(2) *received an associate degree from an accredited college or university; or*

(3) *received an honorable discharge from the armed forces of the United States after at least two years' service.*

**SECTION 3.** Section 7A, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7A. (a) A person may not be licensed by the Commission to be a peace officer, jailer or guard of a county jail, or reserve law enforcement officer unless, before licensing, the person is:

(1) examined by a licensed psychologist or *psychiatrist* [~~a licensed physician~~] and is declared in writing by the psychologist or *psychiatrist* [~~physician~~] to be in satisfactory psychological and emotional health to be a peace officer, jailer or guard of a county jail, or reserve law enforcement officer; *and*

(2) *examined by a licensed physician and is declared in writing by the physician to show no trace of drug dependency or illegal drug usage after a physical examination, blood test, or other medical test. The psychologist's or psychiatrist's declaration and the physician's declaration are [is] not public information.*

(b) The examining psychologist or *psychiatrist* and the examining physician shall be selected by the agency hiring a person desiring to be licensed as a peace officer, jailer or guard of a county jail, or reserve law enforcement officer.

(c) The agency hiring a person desiring to be licensed as a peace officer, jailer or guard of a county jail, or reserve law enforcement officer shall forward a copy of the psychologist's or *psychiatrist's* declaration and the physician's declaration to the Commission with the person's application for Commission licensing. The Commission shall keep the copy on file.

(d) *The Commission shall adopt rules relating to the appropriate standards and measures to be used by law enforcement agencies in reporting the declarations required by this section. The Commission shall also adopt rules that will allow for exceptional circumstances in the administration of the declaration of psychological and emotional health, including the use of qualified licensed physicians instead of licensed psychologists or psychiatrists. If the Commission has cause to believe that a law enforcement agency failed to properly follow Commission rules relating to a declaration under this section or if the Commission discovers that an applicant has submitted false declarations, the Commission may order an applicant to submit to an examination by a psychologist, psychiatrist, or physician appointed by the Commission for a declaration of satisfactory psychological and emotional health or for a declaration of lack of drug dependency or illegal drug usage.*

**SECTION 4.** (a) The Commission on Law Enforcement Officer Standards and Education shall establish a task force to investigate the feasibility of creating an institute for training law enforcement officers that will be similar in nature to the Federal Bureau of Investigation National Academy, the Southern Police Institute, and the Northwestern Police Training Academy.

(b) The task force shall include members of the commission, commission staff, law enforcement officers, and other interested public parties.

(c) The task force may conduct public hearings, workshops, seminars, and other information-gathering procedures.

(d) The task force shall prepare and submit to the governor and the legislature a report relating to its findings not later than the commencement of the 70th Regular Session of the Texas Legislature.

**SECTION 5.** Title 120, Revised Statutes, is amended by adding Article 6869d-1 to read as follows:

**Art. 6869d-1. COUNTY PARK RANGERS IN LARGE COUNTIES**

Sec. 1. *The commissioners court of a county with a population of more than 2.2 million, according to the most recent federal census, may establish a department of county park rangers.*

Sec. 2. *The commissioners court shall appoint the county sheriff or other qualified person chief of the department. The chief shall administer the department under the supervision of the commissioners court.*

Sec. 3. *The department shall provide law enforcement services within the county parks of the county.*

Sec. 4. (a) *To carry out the functions of the department, the chief shall employ county park rangers as peace officers and shall employ administrative staff in numbers approved by the commissioners court.*

(b) *The county park rangers have the same law enforcement authority that is given by law to deputy sheriffs except that the law enforcement jurisdiction of rangers is limited to the county parks of the county.*

(c) *The law of this state applying to deputy sheriffs applies, to the extent practicable, to the county park rangers.*

**SECTION 6.** Article 2.12, Code of Criminal Procedure, 1965, is amended to read as follows:

Art. 2.12. **WHO ARE PEACE OFFICERS.** The following are peace officers:

- (1) sheriffs and their deputies;
- (2) constables and deputy constables;
- (3) marshals or police officers of an incorporated city, town, or village;
- (4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
- (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- (6) law enforcement agents of the Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit of a city, county or the state;
- (8) any private person specially appointed to execute criminal process;
- (9) officers commissioned by the governing board of any state institution of higher education, public junior college or the Texas State Technical Institute;
- (10) officers commissioned by the State Purchasing and General Services Commission;
- (11) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state that operates an airport served by a Civil Aeronautics Board certificated air carrier;
- (13) municipal park and recreational patrolmen and security officers;
- (14) security officers commissioned as peace officers by the State Treasurer; ~~and~~
- (15) officers commissioned by a water control and improvement district under Section 51.132, Water Code; [-]
- (16) ~~(15)~~ officers commissioned by a board of trustees under Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes); [-]
- (17) ~~(15)~~ investigators commissioned by the Texas State Board of Medical Examiners; *and* [-]
- (18) *county park rangers commissioned under Article 6869d-1, Revised Statutes.*

**SECTION 7.** This Act takes effect September 1, 1985.

**SECTION 8.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 9, 1985, by a non-record vote; House refused to concur in Senate amendments to H.B. No. 1592 on May 27, 1985, and requested the appointment of a conference committee to consider the differences between the two houses; House adopted the conference committee report on H.B. No. 1592 on May 27, 1985, by a non-record vote; passed by the Senate, with amendments, on May 26, 1985, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; Senate adopted the conference committee report on H.B. No. 1592 on May 27, 1985, by a viva-voce vote.

Approved: June 15, 1985

Effective: September 1, 1985