

CHAPTER 216

S.B. No. 800

AN ACT

relating to the creation of a Law Enforcement Management Institute under the direction of the Commission on Law Enforcement Officer Standards and Education.

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

SECTION 1. Subsection (a), Section 2, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), is 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

or reserve law enforcement officer in a permanent position, and licensing as a jailer or guard of a county jail in a permanent, temporary, or probationary status.

(3) Issue permanent licenses to persons qualified under the provisions of this Act to be peace officers 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) *Through the creation of an institute for law enforcement management, make [Make] or encourage studies of [~~any aspect of law enforcement, including~~] police administration, law enforcement management, and advanced technical studies relating to law enforcement.*

(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~~].

SECTION 2. Section 2A, 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. 2A. *Except for programs created by the Law Enforcement Management Institute, the [The] Commission may not approve a training school, program, or course of instruction for peace officers, jailers or guards of a county jail, or reserve law enforcement officers unless the institution that offers the school, program, or course has created an advisory board for the purpose of developing a curriculum. Not less than one-third of the members of the board must be members of the general public. For the purposes of this section, a person is a member of the general public if the person is qualified under Section 3 of this Act to serve as a public member on the Commission.*

SECTION 3. Section 2B, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

(f) *The Commission shall make information reported to the Commission by the Law Enforcement Management Institute available to the general public and to appropriate state agencies.*

SECTION 4. Subsections (a) and (b), Section 9B, 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) There is hereby created and established in the State Treasury a special fund to be known as the Law Enforcement Officer Standards and Education Fund to be used by the Commission in administering this Act and performing other duties imposed on the Commission by law and a separate special fund to be known as the Law Enforcement Management Institute Fund to be used by the Commission in administering the Law Enforcement Management Institute created under Section 9C of this Act.

(b) The sum of One Dollar and Fifty Cents (\$1.50) [~~(\$1.00)~~] shall be paid as costs of court, in addition to other taxable court costs, by any person convicted of any criminal offense. *One Dollar (\$1.00) of those costs shall be deposited in the State Treasury to the credit of the Law Enforcement Officer Standards and Education Fund, and Fifty Cents (\$.50) shall be deposited in the State Treasury to the credit of the Law Enforcement Management Institute Fund.* Convictions arising under the traffic laws of this state are specifically included as follows:

(1) any offense defined in Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and

(2) any offense defined in the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), except Sections 34, 76, 77, 78, 79, 80, 81, 93, 94, 95, 96, and 97 of that Act.

SECTION 5. Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended by adding Section 9C to read as follows:

Sec. 9C. (a) *In this section:*

(1) *"Board" means the board of directors of the Law Enforcement Management Institute.*

(2) *"Institute" means the Law Enforcement Management Institute.*

(b) *The Law Enforcement Management Institute is created for the training of police management personnel. The institute may be located on the campus of a state institution of higher education.*

(c) *The institute is under the direction of a board of directors appointed by the Commission. The board is composed of nine members, with each commissioner appointing one board member. Appointments to the board shall be made without regard to the race, color, religion, sex, handicap, or national origin of the appointee. The commissioner of higher education of the Coordinating Board, Texas College and University System, the commissioner of the Central Education Agency, the director of the Department of Public Safety of the State of Texas, the executive director of the criminal justice division of the office of the governor, and the attorney general shall serve as nonvoting ex officio members of the board.*

(d) *To be eligible for appointment to the board, a person must be at least 21 years of age and a resident of this state. Each appointee must be of good character and may not have been convicted of a felony or a misdemeanor involving moral turpitude. Each appointee must meet the education and experience requirements prescribed for commissioners under Section 3 of this Act. A person is not eligible for appointment to the board if the person is a commissioner, an employee of the Commission, or a person who is related within the second degree by affinity or consanguinity to a commissioner or Commission employee.*

(e) *Members of the board hold office for two-year terms, with each member's term expiring February 1 of each odd-numbered year. In the event of a vacancy during a term, the commissioner who appointed the member who has vacated the board position shall appoint a replacement who meets the qualifications of the vacated office to serve the unexpired portion of the term. A member may not serve more than one full term.*

(f) *The Commission may remove a board member at any time at any regular or specially called meeting of the Commission by a two-thirds vote of the commissioners present and voting. It is a ground for removal from the board if a member does not have at the time of appointment the qualifications required for appointment to the board or does not maintain during service on the board the qualifications required for appointment to the board. The validity of an action of the board is not affected by the fact that it was taken while a ground for removal of a member of the board existed.*

(g) *The board shall meet at least once in each quarter of the calendar year and may meet at other times as necessary to perform the duties of the board.*

(h) *The board shall elect a chairman, a vice-chairman, and a secretary from the appointed members at its first meeting after new appointments to fill regular terms. Five of the appointed members constitute a quorum for the transaction of business.*

(i) *The board shall advise the Commission on issues related to the operation of the institute and shall develop the institute's curriculum, select instructors, establish admission standards, determine scholarship criteria, develop certification standards for classes taught through the institute, and determine the location of the institute's campuses. The Commission may assign additional duties to the board. The Commission may not adopt a rule relating to the institute before reviewing and voting on any recommendation relating to that rule made by the board. The board shall submit reports to the Commission relating to the operation of the institute as prescribed by the Commission.*

(j) *A member serves without compensation, but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the board.*

(k) *The board shall establish reasonable charges for participation in institute training programs by participants who are not residents of this state. The participation costs of participants who are residents, including tuition, books, room, board, and travel costs, shall be paid from the Law Enforcement Management Institute Fund. Participation in the institute training programs is open to all eligible*

residents of this state, whether or not the person is sponsored by an employing law enforcement agency.

SECTION 6. (a) This Act takes effect September 1, 1987.

(b) The change in law made by Section 4 of this Act applies only to costs imposed on conviction of an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(c) Costs imposed on conviction of an offense committed before the effective date of this Act are covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

(d) The Commission on Law Enforcement Officer Standards and Education shall appoint the initial members of the Law Enforcement Management Institute not later than January 1, 1988.

SECTION 7. 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 the Senate on April 23, 1987, by a viva-voce vote. Passed the House on May 15, 1987, by a non-record vote.

Approved May 28, 1987.

Effective Sept. 1, 1987.