

CHAPTER 975

S.B. No. 929

AN ACT

relating to minimum training requirements, testing, certification, and employment of peace officers who utilize investigative hypnosis in the investigation of cases; providing penalties.

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) 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.

(22) *Establish minimum requirements for the training, testing, and certification of peace officers who utilize investigative hypnosis.*

SECTION 2. Subsection (e), Section 6, 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:

(e) A person who appoints or retains an individual as a peace officer, jailer or guard of a county jail, or reserve law enforcement officer in violation of Subsection (b), (c), or (d) of this section or in violation of Section 7A of this Act *or who makes such an appointment when the appointee does not satisfy the requirements of Subsection (d) or (e) of Section 7 of this Act* shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1000.00).

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

(d) On or before January 1, 1988, a peace officer who uses any hypnotic interview technique shall pass a commission-administered examination designed to test the officer's knowledge of investigative hypnosis.

(e) Effective January 1, 1988, no peace officer shall use any hypnotic interview technique unless the officer has completed a commission-approved training course and passed a commission-administered examination designed to test the officer's knowledge of investigative hypnosis. A professional achievement or proficiency certificate may be issued to officers who meet these requirements.

SECTION 4. 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 May 14, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on May 20, 1987, by a non-record vote.

Approved June 20, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.