

BILL ANALYSIS

Senate Research Center

H.B. 2093
By: Driver (Hegar)
Criminal Justice
5/23/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2093 amends current law relating to persons certified as peace officers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1701.404, Occupations Code, as follows:

Sec. 1701.404. CERTIFICATION OF OFFICERS FOR MENTAL HEALTH ASSIGNMENTS. (a) Makes no changes to this subsection.

(b) Authorizes the Commission on Law Enforcement Officer Standards and Education (commission) to certify a sheriff, sheriff's deputy, constable, other peace officer, county jailer, or justice of the peace as a special officer for offenders with mental impairments if the person, rather than officer, meets certain criteria. Makes a conforming change.

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

SECTION 2. Amends Section 1702.322, Occupations Code, to provide that this chapter does not apply to a person who is a chief of police, sheriff, constable, or other chief administrator of a law enforcement agency in this state or is appointed, elected, or employed by the chief administrator of a law enforcement agency as a peace officer, rather than a person who has full-time employment as a peace officer, as defined by Section 1701.001 (Definitions), in accordance with the licensing requirements adopted under rules of the commission and who receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, extra job coordinator, or watchman if the officer is employed by the private employer is an employee-employer relationship or on an individual contractual basis, rather than employed on an individual contractual basis; the private employment does not require the officer to be in the employ of another peace officer; the officer is not a reserve peace officer; the officer works for the law enforcement agency, rather than works as a peace officer, on the average of at least 32 hours a week, is compensated by the state or a political subdivision of the state at least at the minimum wage, and is entitled to all employee benefits offered to a peace officer by the state or political subdivision.

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

(b) Authorizes the commission to issue a certificate under Section 1701.404(c), Occupations Code, as amended by this Act, to a justice of the peace who is certified as a

special officer for offenders with mental impairments regardless of whether the justice of the peace was certified before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2009.