

SUBJECT: Peace officer education military exemption and noncompliance notice

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 6 ayes — Driver, Jackson, Hegar, Frost, Hupp, Veasey

0 nays

1 absent — Burnam

WITNESSES: For — Charley Wilkison, Combined Law Enforcement Associations of Texas

Against — None

BACKGROUND: Occupations Code, sec. 1701.351 requires that every peace officer complete at least 40 hours of continuing education once every 24 months. The section excludes from this requirement any peace officer who also serves as an elected member of the Legislature during the 24 month period.

Sec. 1701.353 requires the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to notify agencies and peace officers of impending noncompliance by a peace officer with the training requirements. The section requires TCLEOSE to conduct a hearing if the officer claims that mitigating circumstances exist or that the officer did not complete the required training because the officer's employer did not provide an adequate opportunity to do so.

DIGEST: HB 1438 would amend sec. 1701.351 to expand the exemption from the 40-hour training requirement to cover a peace officer who served on active duty in the U.S. military for at least 12 months during the 24-month period.

The bill also would amend sec. 1701.353 to require TCLEOSE to notify a peace officer by certified mail if the officer was not in compliance with the continuing education requirement. The notice also would state that the officer could request a hearing if the officer failed to obtain the required training within 60 days after receipt of the certified letter.

The bill would take effect immediately if passed by a two-thirds vote of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

Peace officers who are called to active duty in the military should not be at risk of having their peace officer license suspended due to an inability to complete continuing education requirements. The state should express its appreciation to these officers who serve both their state and their country by protecting their licenses while they serve on active duty.

Keeping peace officers licensed is in the best interests of the state. Allowing those officers who have fallen behind in their continuing education requirements to have 60 days to obtain the required training would enable officers who were unaware of their noncompliance to become compliant without having their licenses suspended.

**OPPONENTS
SAY:**

TCLEOSE already sends a letter to officers who are not in compliance with the continuing education requirements. Requiring TCLEOSE to send a certified letter would create an unnecessary administrative burden.