

## **BILL ANALYSIS**

Senate Research Center  
87R19259 ANG-F

H.B. 3712  
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Jurisprudence  
5/17/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Anyone who chooses to join the profession of law enforcement knows that the job before them is serious and growingly complex. It requires intelligence, physical abilities, judgment, temperament, critical thinking, and decision-making skills. There are unfortunate circumstances when any of these attributes may come into question. On the occasions that they do, law enforcement, the public, and policymakers have all emphasized the need for additional and better training.

H.B. 3712 seeks to ensure that members of law enforcement receive the amount, scope, and quality of training their difficult and challenging profession requires.

H.B. 3712 seeks to strengthen and create greater consistency in the training received by peace officers. The bill adds to the basic peace officer training course to require training on the prohibition and use of chokeholds, carotid artery holds, and neck restraints during certain encounters with members of the public.

H.B. 3712 contains language requiring training on the duty of an officer to intervene if an officer observes another officer using force he or she believes to be more than is required under the circumstances. The bill also requires training on an officer's duty to render aid to a person who the officer observes to have sustained serious injury during a use of force and addresses the conditions under which aid should be rendered.

H.B. 3712 requires the Texas Commission on Law Enforcement (TCOLE) and the Bill Blackwood Law Enforcement Management Institute to work with other interested parties to development certain model training and curriculum policies for law enforcement agencies and peace officers.

H.B. 3712 also requires TCOLE and the Bill Blackwood Law Enforcement Management Institute to work with other interested parties to develop and make available to Texas law enforcement agencies model policies regarding preemployment investigations of a licensed peace officer that include the topics of criminal background checks and the employment termination report.

H.B. 3712 amends current law relating to the hiring and training of and policies for 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 the heading to Subchapter F, Chapter 1701, Occupations Code, to read as follows:

#### **SUBCHAPTER F. TRAINING PROGRAMS, SCHOOLS, AND POLICIES**

SECTION 2. Amends Subchapter F, Chapter 1701, Occupations Code, by adding Section 1701.2551, as follows:

Sec. 1701.2551. BASIC PEACE OFFICER TRAINING COURSE. (a) Provides that the basic peace officer training course required as part of a peace officer training program under Section 1701.251(a) (relating to training programs for officers, county jailers, and telecommunicators) may be no less than 720 hours.

(b) Requires that the basic peace officer training course include training on:

(1) the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint by a peace officer in searching or arresting a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another person;

(2) the duty of a peace officer acting in an official capacity to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if the scene is secure and the amount of force exceeds that which the officer reasonably believes is necessary under the circumstances; and

(3) the duty of a peace officer acting in an official capacity to render aid to a person who has suffered serious bodily injury from the use of force, unless the officer reasonably believes the provision of aid is likely to cause serious bodily injury to or the death of the peace officer or another person.

SECTION 3. Amends Subchapter F, Chapter 1701, Occupations Code, by adding Sections 1701.269 and 1701.270, as follows:

Sec. 1701.269. TRAINING PROGRAM AND POLICIES FOR PEACE OFFICERS. (a) Requires the Texas Commission on Law Enforcement (TCOLE), in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas and other interested parties chosen by TCOLE, to develop and maintain a model training curriculum and model policies for law enforcement agencies and peace officers.

(b) Requires that the model training curriculum and model policies developed under Subsection (a) include:

(1) curriculum and policies for field training programs;

(2) curriculum and policies for banning the use of a choke hold, carotid artery hold, or similar neck restraint by a peace officer in searching or arresting a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another person;

(3) curriculum and policies regarding the duty of a peace officer acting in an official capacity to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if the scene is secure and the amount of force exceeds that which the officer reasonably believes is necessary under the circumstances;

(4) curriculum and policies regarding the duty of a peace officer acting in an official capacity to render aid to a person who has suffered serious bodily injury from the use of force, unless the officer reasonably believes the provision of aid is likely to cause serious bodily injury to or the death of the peace officer or another person; and

(5) curriculum and policies on the use of deadly force by peace officers.

Sec. 1701.270. REQUIRED POLICIES FOR LAW ENFORCEMENT AGENCIES. Requires each law enforcement agency in this state, not later than the 180th day after the date TCOLE provides the model policies described by Section 1701.269(b), to adopt a policy on the topics described by that subsection. Authorizes a law enforcement agency to adopt the model policies developed by TCOLE under that subsection.

SECTION 4. Amends Section 1701.351, Occupations Code, by adding Subsection (a-2), as follows:

(a-2) Requires TCOLE, before the first day of each 24-month training unit during which peace officers are required to complete 40 hours of continuing education programs under Subsection (a) (relating to required continuing education for peace officers), to specify the mandated topics to be covered in up to 16 of the required hours.

SECTION 5. Amends Subchapter J, Chapter 1701, Occupations Code, by adding Section 1701.459, as follows:

Sec. 1701.459. MODEL POLICY ON PREEMPLOYMENT INVESTIGATIONS. Requires TCOLE, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas and other interested parties chosen by TCOLE, to develop and make available to all law enforcement agencies in this state a model policy for the preemployment investigation of a peace officer licensed under Chapter 1701 (Law Enforcement Officers). Requires that the model policy incorporate:

- (1) the duties and responsibilities of a law enforcement agency or governmental entity under Section 1701.303 (License Application; Duties of Appointing Entity);
- (2) the request, analysis, and use of any employment termination report or criminal background check information obtained under Section 1701.451 (Preemployment Request for Employment Termination Report and Submission of Background Check Confirmation Form); and
- (3) any other information TCOLE considers necessary to conduct a preemployment investigation of a person.

SECTION 6. (a) Requires TCOLE, not later than January 1, 2022, to modify the curriculum of the basic peace officer training course as necessary to comply with Section 1701.2551, Occupations Code, as added by this Act.

(b) Makes application of Section 1701.2551, Occupations Code, as added by this Act, prospective to July 1, 2022.

SECTION 7. Requires TCOLE, not later than January 1, 2022, to develop and make available the model training curriculum and model policies required by Section 1701.269, Occupations Code, as added by this Act.

SECTION 8. Makes application of Section 1701.351(a-2), Occupations Code, as added by this Act, prospective.

SECTION 9. Provides that TCOLE is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purpose, TCOLE is authorized, but is not required, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 10. Effective date: September 1, 2021.