

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3712
By: Thompson, Ed et al. (West)
Jurisprudence
5/21/2021
Committee Report (Substituted)

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.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 3712 amends current law relating to the 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 to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(A) the amount of force exceeds that which is reasonable under the circumstances; and

(B) the officer knows or should know that the other officer's use of force:

(i) violates state or federal law;

(ii) puts a person at risk of bodily injury, as that term is defined by Section 1.07 (Definitions), Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(iii) is not required to apprehend the person suspected of committing an offense; and

(3) the duty of a peace officer who encounters an injured person while discharging the officer's official duties to immediately and as necessary request emergency medical services personnel to provide the person with emergency medical services and, while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skills and training, unless the request for emergency medical services personnel or the provision of first aid or treatment would expose the officer or another person to a risk of bodily injury or the officer is injured and physically unable to make the request or provide the treatment.

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 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;

(2) curriculum and policies regarding the duty of a peace officer to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(A) the amount of force exceeds that which is reasonable under the circumstances; and

(B) the officer knows or should know that the other officer's use of force:

(i) violates state or federal law;

(ii) puts a person at risk of bodily injury, as that term is defined by Section 1.07, Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(iii) is not required to apprehend the person suspected of committing an offense; and

(3) curriculum and policies regarding the duty of a peace officer who encounters an injured person while discharging the officer's official duties to immediately and as necessary request emergency medical services personnel to provide the person with emergency medical services and, while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skills and training, unless the request for emergency medical services personnel or the provision of first aid or treatment would expose the officer or another person to a risk of bodily injury or the officer is injured and physically unable to make the request or provide the treatment.

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

SECTION 8. 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 9. Effective date: September 1, 2021.