



# TEXAS LEGISLATIVE STUDY GROUP

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**Pre-Filed Amendment Floor Report - Wednesday, May 12, 2021**

Author	Analysis	Recommendation
<b>HB 1550 Pre-Filed Amendments - Wednesday, May 12, 2021</b>		
<b>King, Phil</b> E870277	Minors and victims of human trafficking have reported instances of being forced to receive an abortion, which violates their personal right to choose. This amendment includes training on laws pertaining to forced abortions as part of officer training curriculum requirements. These provisions are from HB 4527, which is currently pending in House calendars. Concerns include that the training is not trauma informed. Due to the sensitive nature and traumatic experience of being trafficked it is important that our officers know how to handle these situations without furthering harm.	<b><u>Favorable with Concerns</u></b>
<b>King, Phil</b> E870278	This amendment adds provisions requiring law enforcement agencies to make employment records available to hiring law enforcement agencies, and rules regarding this must include appropriate security measures. Information obtained for employment purposes is confidential and may not be disclosed, and agencies are forbidden from entering any kind of agreement or policy prohibiting the release of employment records to a law enforcement agency. The same changes are made by HB 709, and HB 8 established similar provisions that were already voted through the House and are currently pending in a Senate committee.	<b><u>Favorable</u></b>
<b>King, Phil</b> E870279	Law enforcement agency accreditation provides evidence-based practices and best industry standards to agencies, who must provide evidence their policies and procedures are in compliance to receive an accreditation. This amendment requires law enforcement agencies to report whether they are accredited through the Texas Police Chiefs Association Best Practices Recognition Program, the Commission on Accreditation for Law Enforcement Agencies, or any other accreditation program designated by the commission. TCOLE must include this information on their website and periodically review these organizations to ensure they meet standards. This change is related to the law enforcement accreditation grant program established by HB 323, which was passed by the House but has no action in the Senate.	<b><u>Favorable</u></b>
<b>Goodwin</b> E870280	Currently TCOLE only suspends an officer's license if they have been dishonorably discharged twice. This amendment would require TCOLE to suspend the license of an officer after their first dishonorable discharge. This amendment empowers TCOLE to be more proactive and to fully execute its mission to ensure highly trained and ethical law enforcement.	<b><u>Favorable</u></b>

OK for Distribution - Rep Garnet Coleman

<p><b>Goodwin</b> E870281</p>	<p>HB 1550 creates a blue ribbon panel tasked with making law enforcement policy recommendations for TCOLE to better regulate peace officer licensees. This amendment stipulates the panel must also study whether the commission should suspend an officers' license following the first dishonorable discharge and establish grounds for suspending or revoking a license when the commission determines that the license holder's continued performance of law enforcement duties constitutes a public safety threat. As currently written, HB 1550 requires TCOLE to suspend an officer's license following a second dishonorable discharge and evaluating whether this practice would promote public safety and law enforcement integrity is important information for TCOLE. Regarding the amendment's second point of inquiry, the bill already establishes the authority for TCOLE to suspend or revoke a license without a hearing if an officer is deemed a threat to public welfare.</p>	<p><b><u>Favorable</u></b></p>
<p><b>King, Phil</b> E870283</p>	<p>This amendment would require TCOLE to consult with the Bill Blackwood Law Enforcement Management Institute of Texas to create model policy regarding the use of no-knock warrants, the issue of citations for fine-only misdemeanor offenses, and pre-employment investigations of licensed peace officers. This requirement is also codified by provisions in HB 1396, which will be heard on the House floor as postponed business.</p>	<p><b><u>Favorable</u></b></p>
<p><b>King, Phil</b> E870284</p>	<p>This amendment also allows the blue ribbon panel to accept gifts, grants, and donations from public or private sources, including federal funds, and allows the chair of the panel to hire staff members for carrying out duties. Restrictions should be enacted to prevent the blue ribbon panel tasked with evaluating the effectiveness of law enforcement policy, which will already only be in existence for two years, from accepting donations from groups with conflicting interests or lobbyists. The amendment also adds appointees from the Texas A&amp;M Engineering Extension Service, the president of the Sheriffs' Association of Texas, the president of the Texas Police Chiefs Association, and one peace officer who is representative of a peace officer association as members of the blue ribbon panel.</p>	<p><b><u>Will of the House</u></b></p>
<p><b>Cyrier</b> E870286</p>	<p>The original bill allowed licensed officers to request copies of complaints filed against them. This amendment requires TCOLE to provide a copy of a complaint within 14 days before any response is due. The commission is not required to provide the identity of a non-testifying complainant. The amendment also states the commission shall make a reasonable effort to ensure complaints are not made anonymously and shall use discretion in investigating anonymous complaints. Not fully protecting the identity of complainants under law but requiring copies of complaints be provided to officers is concerning and could open the door for retaliation against complainants.</p>	<p><b><u>Favorable with Concerns</u></b></p>
<p><b>Cyrier</b> E870287</p>	<p>This amendment allows peace officers to submit examination reports from their personal physician, psychiatrist, or psychologist to determine if they still meet license standards. If agency leadership questions the results of an examination report, an appropriate physician will be appointed to examine the license holder and submit their own independent report. If the reports disagree, the agency head will appoint a three-member board composed of any combination of a physician, psychiatrist, and a psychologist to determine if the license holder still meets standards. The license holder will pay all associated costs with using a personal physician and the employing law enforcement agency will provide for all other costs. This amendment creates a much more complicated procedure with a way higher administrative burden than simply requiring peace officers to submit to examinations from physicians approved by law enforcement agencies. Aside from physical examinations that are much lower stakes, allowing personal physicians to determine whether a peace officer is mentally fit for duty creates an easy work-around for an important public safety accountability measure.</p>	<p><b><u>Unfavorable</u></b></p>



<p><b>Cyrier</b> E870288</p>	<p>This amendment allows the blue ribbon panel to accept gifts, grants, and donations from public or private sources, including federal funds. Restrictions should be enacted to prevent the blue ribbon panel tasked with evaluating the effectiveness of law enforcement policy, which will already only be in existence for two years, from accepting donations from groups with conflicting interests or lobbyists. The amendment also adds appointees from the Texas A&amp;M Engineering Extension Service, the president of the Sheriffs' Association of Texas, and the president of the Texas Police Chiefs Association for the blue ribbon panel.</p>	<p><b><u>Will of the House</u></b></p>
<p><b>Cyrier</b> E870289</p>	<p>This amendment provides TCOLE the authority to issue administrative subpoenas compelling witnesses to testify and requiring evidence related to an investigation. The commission can bring action through the attorney general to enforce a subpoena when recipients fail to comply. The amendment also sets out provisions related to TCOLE adopting policy for investigating disciplinary actions using a peace officer employed by the commission or the Texas Rangers.</p>	<p><b><u>Favorable</u></b></p>
<p><b>King, Ken</b> E870290</p>	<p>This amendment requires TCOLE to report each substantiated incident of misconduct to the agency employing the peace officer, including: criminal offense convictions, substantiated excessive use of force cases, sexual harassment, misuse of official capacity or property, unprofessional relationships with a person in custody, false statements made to gain employment, fabricating physical evidence, tampering with governmental records, and conduct that constitutes a felony or Class A or B misdemeanor whether the conduct was prosecuted or not. For each substantiated incident of misconduct, whether the agency brought disciplinary action, terminated, or allowed the officer to resign must also be included. The amendment sets out provisions governing the information required in these reports. The amendment also establishes that an officer who is indicted with a felony charge is not eligible to receive their pension, unless their conviction is overturned on appeal. These provisions are also found in HB 4286, which has bipartisan support and is pending in the House committee.</p>	<p><b><u>Favorable</u></b></p>

