

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Shannon Sivell, Counsel
<b>Meeting Dates:</b>	3/30, 4/23

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**WHAT THE MEASURE DOES:** Increases membership of Board on Public Safety Standards and Training. Adds additional members to policy sub-committees. Provides process for amendment of an administrative law judge's (ALJ) order.

**ISSUES DISCUSSED:**

- Purpose of the board
- Composition of the board
- Streamlining process
- Due process considerations
- Officer ability to respond to allegations
- Fiscal impact

**EFFECT OF COMMITTEE AMENDMENT:** Increases membership of the Board on Public Safety Standards and Training. Adds additional members to policy sub-committees. Provides process for amending an ALJ's order.

**BACKGROUND:** The policy committees within the Board on Public Safety Standards and Training are responsible for conducting hearings regarding on officers' suspension or decertification. There are five policy committees – Fire Policy, Police Policy, Corrections Policy, Telecommunications Policy and Private Security Policy. At the committee hearings an officer facing decertification may have an attorney present and submit written testimony. However, the officer cannot testify or answer questions. A second hearing is held in front of the full board. Again, the officer cannot testify or respond to questions. An ALJ then hears the case and issues an order regarding the officer's certification. The ALJ hearing is the first time an officer is allowed to testify and respond to questions and testimony. If the officer chooses to appeal the ALJ's decision, he or she must do so to the Court of Appeals.

House Bill 2790 initially aimed at both restructuring the make up of the board as well as the hearings process. The amendment scales back the overhaul and instead adds one person, a non-management parole and probation officer, to the board. The amendment also restructures some of the policy committees. Two non-management police officers are added to the each of the five policy committees. As amended, the measure also provides that after the ALJ issues a decision, the board will have the opportunity to amend the final order.

4/28/2009 4:35:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*