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et al.

H.B. No. 8

A BILL TO BE ENTITLED

1 AN ACT
2 relating to access by a hiring law enforcement agency to an
3 applicant's employment records.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1701.451, Occupations Code, is amended
6 by amending Subsection (a-1) and adding Subsections (d) and (e) to
7 read as follows:

8 (a-1) A law enforcement agency that obtains a consent form
9 described by Subsection (a)(2)(B) shall make an electronic copy of
10 the person's employment records available to a hiring law
11 enforcement agency on request. The commission by rule shall
12 prescribe the manner by which a law enforcement agency shall make a
13 person's employment records electronically available to a hiring
14 law enforcement agency. The rules must provide appropriate privacy
15 and security protections.

16 (d) A law enforcement agency that makes a person's
17 employment records available to a hiring law enforcement agency
18 under Subsection (a-1) shall provide a copy of the records to the
19 person.

20 (e) A law enforcement agency that obtains employment
21 records under this section may not disclose any information
22 contained in the records.

23 SECTION 2. Section 1701.456(b), Occupations Code, is
24 amended to read as follows:

1 (b) A law enforcement agency, agency head, or other law
2 enforcement official is not liable for civil damages for:

3 (1) a report made by that agency or person if the
4 report is made in good faith; or

5 (2) making a person's employment records available to
6 a hiring law enforcement agency under Section 1701.451(a-1).

7 SECTION 3. Subchapter J, Chapter 1701, Occupations Code, is
8 amended by adding Section 1701.459 to read as follows:

9 Sec. 1701.459. CERTAIN AGREEMENTS RELATED TO EMPLOYMENT
10 RECORDS PROHIBITED. A person licensed under this chapter may not
11 enter into an agreement with a law enforcement agency employing the
12 person under which the agency is prohibited from making the
13 person's employment records available to another law enforcement
14 agency under Section 1701.451(a-1).

15 SECTION 4. (a) Not later than December 1, 2021, the Texas
16 Commission on Law Enforcement shall adopt rules as necessary to
17 comply with Section 1701.451, Occupations Code, as amended by this
18 Act.

19 (b) Section 1701.451, Occupations Code, as amended by this
20 Act, applies only to the hiring of a person by a law enforcement
21 agency that occurs on or after December 1, 2021. The hiring of a
22 person by a law enforcement agency that occurs before that date is
23 governed by the law in effect immediately before the effective date
24 of this Act, and the former law is continued in effect for that
25 purpose.

26 SECTION 5. This Act takes effect September 1, 2021.