

By: King of Parker

H.B. No. 709

A BILL TO BE ENTITLED

1 AN ACT

2 relating to employment records of certain persons licensed by the  
3 Texas Commission on Law Enforcement.

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 the person's  
10 employment records available to a hiring law enforcement agency on  
11 request. The commission by rule shall prescribe the manner by which  
12 a law enforcement agency shall make a person's employment records  
13 available to a hiring law enforcement agency. The rules must  
14 provide appropriate security protections.

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

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

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

24 (b) A law enforcement agency, agency head, or other law

1 enforcement official is not liable for civil damages for:

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

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

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

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

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

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

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