

By: Goodwin

H.B. No. 2844

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to certain persons licensed by the Texas Commission on Law  
3 Enforcement.

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

5 SECTION 1. Section 1701.452(b), Occupations Code, is  
6 amended to read as follows:

7 (b) The head of a law enforcement agency or the head's  
8 designee shall include in the report required under Subsection (a)  
9 a statement on whether the license holder was honorably discharged,  
10 generally discharged, or dishonorably discharged and, as required  
11 by the commission, an explanation of the circumstances under which  
12 the person resigned, retired, or was terminated. If the license  
13 holder resigned or retired, the explanation must include  
14 information regarding any pending investigation known to internal  
15 affairs, supervisors, or management that was not completed due to  
16 the officer's resignation or retirement. For purposes of this  
17 subsection:

18 (1) "Honorably discharged" means a license holder who,  
19 while in good standing and not because of pending or final  
20 disciplinary actions or a documented performance problem, retired,  
21 resigned, or separated from employment with or died while employed  
22 by a law enforcement agency.

23 (2) "Generally discharged" means a license holder who:

24 (A) was terminated by, retired or resigned from,

1 or died while in the employ of a law enforcement agency and the  
2 separation was related to a disciplinary investigation of conduct  
3 that is not included in the definition of dishonorably discharged;  
4 or

5 (B) was terminated by or retired or resigned from  
6 a law enforcement agency and the separation was for a documented  
7 performance problem and was not because of a reduction in workforce  
8 or an at-will employment decision.

9 (3) "Dishonorably discharged" means a license holder  
10 who:

11 (A) was terminated by a law enforcement agency or  
12 retired or resigned in lieu of termination by the agency in relation  
13 to:

14 (i) allegations of criminal misconduct; or  
15 (ii) conduct described by Section  
16 1701.5015(b); or

17 (B) was terminated by a law enforcement agency or  
18 retired or resigned in lieu of termination by the agency for  
19 insubordination or untruthfulness.

20 SECTION 2. Section 1701.4521(a), Occupations Code, is  
21 amended to read as follows:

22 (a) The commission shall suspend the license of an officer  
23 licensed under this chapter on notification that the officer has  
24 been dishonorably discharged [~~if the officer has previously been~~  
25 ~~dishonorably discharged from another law enforcement agency~~].

26 SECTION 3. The heading to Subchapter K, Chapter 1701,  
27 Occupations Code, is amended to read as follows:

SUBCHAPTER K. DISCIPLINARY GROUNDS AND PROCEDURES

SECTION 4. Subchapter K, Chapter 1701, Occupations Code, is amended by adding Section 1701.5015 to read as follows:

Sec. 1701.5015. CERTAIN GROUNDS FOR DISCIPLINE OF OFFICER.

(a) The commission by rule shall establish grounds under which the commission shall suspend or revoke an officer license on a determination by the commission that the license holder's continued performance of duties as an officer constitutes a threat to the public welfare.

(b) The grounds under Subsection (a) must include:

(1) lack of competence in performing the license holder's duties as an officer;

(2) illegal drug use or an addiction that substantially impairs the license holder's ability to perform the license holder's duties as an officer;

(3) lack of truthfulness in court proceedings or other governmental operations, including:

(A) making a false statement in an offense report or other report as part of an investigation;

(B) making a false statement to obtain employment as an officer;

(C) making a false entry in court records or tampering with evidence, regardless of whether the license holder is prosecuted or convicted for the false entry or tampering; or

(D) engaging in conduct designed to impair the results or procedure of an examination or testing process associated with obtaining employment as an officer or a promotion

1 to a higher rank;

2 (4) failure to follow the lawful directives of a  
3 supervising officer or to follow the policies of the employing law  
4 enforcement agency;

5 (5) discriminatory conduct, including engaging in a  
6 course of conduct or a single egregious act, based on the race,  
7 color, religion, sex, pregnancy, national origin, age, disability,  
8 or sexual orientation of another that would cause a reasonable  
9 person to believe that the license holder is unable to perform the  
10 license holder's duties as an officer in a fair manner; or

11 (6) conduct indicating a pattern of:

12 (A) excessive use of force;

13 (B) abuse of official capacity;

14 (C) inappropriate relationships with persons in  
15 the custody of the license holder;

16 (D) sexual harassment or sexual misconduct while  
17 performing the license holder's duties as an officer; or

18 (E) misuse of information obtained as a result of  
19 the license holder's employment as an officer and related to the  
20 enforcement of criminal offenses.

21 SECTION 5. Not later than January 1, 2022, the Texas  
22 Commission on Law Enforcement shall adopt the rules required by  
23 Section 1701.5015, Occupations Code, as added by this Act.

24 SECTION 6. Section 1701.5015, Occupations Code, as added by  
25 this Act, applies only to conduct that occurs on or after January 1,  
26 2022. Conduct that occurs before January 1, 2022, is governed by  
27 the law in effect immediately before the effective date of this Act,

1 and the former law is continued in effect for that purpose.

2 SECTION 7. This Act takes effect September 1, 2021.