

By: Neave Criado

H.B. No. 1076

A BILL TO BE ENTITLED

AN ACT

relating to hiring and licensing certain persons as peace officers.

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

SECTION 1. The heading to Chapter 370, Local Government Code, is amended to read as follows:

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO [~~MUNICIPAL AND COUNTY~~] HEALTH AND PUBLIC SAFETY OF MORE THAN ONE TYPE OF LOCAL GOVERNMENT

SECTION 2. Chapter 370, Local Government Code, is amended by adding Section 370.007 to read as follows:

Sec. 370.007. COMMISSIONING AND EMPLOYING CERTAIN PERSONS AS PEACE OFFICERS. Notwithstanding any other law, a political subdivision that commissions and employs peace officers may commission and employ as a peace officer a legal permanent resident of the United States.

SECTION 3. Subchapter G, Chapter 1701, Occupations Code, is amended by adding Section 1701.3095 to read as follows:

Sec. 1701.3095. LICENSING OF LEGAL PERMANENT RESIDENTS. The commission shall issue a peace officer license to a person who is a legal permanent resident of the United States if the person meets the requirements of this chapter and the commission's rules.

SECTION 4. Section 1701.451(a), Occupations Code, is amended to read as follows:

(a) Before a law enforcement agency may hire a person

1 licensed under this chapter, the agency must, on a form and in the
2 manner prescribed by the commission:

3 (1) obtain the person's written consent for the agency
4 to review the information required to be reviewed under this
5 section;

6 (2) request from the commission and any other
7 applicable person information required to be reviewed under this
8 section; and

9 (3) submit to the commission confirmation that the
10 agency, to the best of the agency's ability before hiring the
11 person:

12 (A) contacted each entity or individual
13 necessary to obtain the information required to be reviewed under
14 this section; and

15 (B) except as provided by Subsection (b),
16 obtained and reviewed as related to the person, as applicable:

17 (i) personnel files and other employee
18 records from each previous law enforcement agency employer,
19 including the employment application submitted to the previous
20 employer;

21 (ii) employment termination reports
22 maintained by the commission under this subchapter;

23 (iii) service records maintained by the
24 commission;

25 (iv) proof that the person meets the
26 minimum qualifications for enrollment in a training program under
27 Section [1701.251\(a\)](#);

1 (v) a military veteran's United States
2 Department of Defense Form DD-214 or other military discharge
3 record;

4 (vi) criminal history record information;

5 (vii) information on pending warrants as
6 available through the Texas Crime Information Center and National
7 Crime Information Center;

8 (viii) evidence of financial
9 responsibility as required by Section 601.051, Transportation
10 Code;

11 (ix) a driving record from the Department
12 of Public Safety;

13 (x) proof of United States citizenship or,
14 if the person is a peace officer, legal permanent residence; and

15 (xi) information on the person's background
16 from at least three personal references and at least two
17 professional references.

18 SECTION 5. Not later than December 1, 2023, the Texas
19 Commission on Law Enforcement shall amend rules as necessary to
20 comply with Section 1701.3095, Occupations Code, as added by this
21 Act, and Section 1701.451, Occupations Code, as amended by this
22 Act.

23 SECTION 6. Section 1701.451, Occupations Code, as amended
24 by this Act, applies only to the hiring of a person by a law
25 enforcement agency that occurs on or after December 1, 2023. The
26 hiring of a person by a law enforcement agency that occurs before
27 that date is governed by the law in effect immediately before the

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1 effective date of this Act, and the former law is continued in
2 effect for that purpose.

3 SECTION 7. This Act takes effect September 1, 2023.