

1-1 By: Paxton, et al. S.B. No. 1445
1-2 (In the Senate - Filed March 2, 2023; March 16, 2023, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 11, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 11, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Whitmire</u>	X		
1-10	<u>Flores</u>	X		
1-11	<u>Bettencourt</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Huffman</u>	X		
1-14	<u>King</u>	X		
1-15	<u>Miles</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1445 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the continuation and functions of the Texas Commission
1-20 on Law Enforcement.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 1701.001, Occupations Code, is amended
1-23 by adding Subdivision (2-a) to read as follows:

1-24 (2-a) "Misconduct" means a violation of law or of a law
1-25 enforcement agency policy by a license holder for which the law
1-26 enforcement agency employing the license holder may take
1-27 disciplinary action.

1-28 SECTION 2. Section 1701.002, Occupations Code, is amended
1-29 to read as follows:

1-30 Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas
1-31 Commission on Law Enforcement is subject to Chapter 325, Government
1-32 Code (Texas Sunset Act). Unless continued in existence as provided
1-33 by that chapter, the commission is abolished and this chapter
1-34 expires September 1, 2035 [~~2023~~].

1-35 SECTION 3. Section 1701.059, Occupations Code, is amended
1-36 by amending Subsection (b) and adding Subsection (d) to read as
1-37 follows:

1-38 (b) The training program must provide the person with
1-39 information regarding:

1-40 (1) the law governing [~~legislation that created the~~]
1-41 commission operations;

1-42 (2) the programs, functions, rules, and budget of the
1-43 commission;

1-44 (3) the scope of and limitations on the rulemaking
1-45 authority of the commission;

1-46 (4) the results of the most recent formal audit of the
1-47 commission;

1-48 (5) [~~(4)~~] the requirements of:

1-49 (A) laws relating to open meetings, public
1-50 information, administrative procedure, and disclosing conflicts of
1-51 interest; and

1-52 (B) other laws applicable to members of a state
1-53 policy-making body in performing their duties; and

1-54 (6) [~~(5)~~] any applicable ethics policies adopted by
1-55 the commission or the Texas Ethics Commission.

1-56 (d) The executive director of the commission shall create a
1-57 training manual that includes the information required by
1-58 Subsection (b). The executive director shall distribute a copy of
1-59 the training manual annually to each member of the commission. Each
1-60 commission member shall sign and submit to the executive director a

2-1 statement acknowledging that the member received and has reviewed
2-2 the training manual.

2-3 SECTION 4. Section 1701.151, Occupations Code, is amended
2-4 to read as follows:

2-5 Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING
2-6 AUTHORITY. The commission may:

2-7 (1) adopt rules for the administration of this chapter
2-8 and for the commission's internal management and control;

2-9 (2) establish minimum standards relating to
2-10 competence and reliability, including education, training,
2-11 physical, and mental~~[, and moral]~~ standards, for licensing as an
2-12 officer, county jailer, public security officer, or
2-13 telecommunicator;

2-14 (3) report to the governor and legislature on the
2-15 commission's activities, with recommendations on matters under the
2-16 commission's jurisdiction, and make other reports that the
2-17 commission considers desirable;

2-18 (4) require a state agency or a county, special
2-19 district, or municipality in this state that employs officers,
2-20 telecommunicators, or county jailers to submit reports and
2-21 information;

2-22 (5) contract as the commission considers necessary for
2-23 services, facilities, studies, and reports required for:

2-24 (A) cooperation with municipal, county, special
2-25 district, state, and federal law enforcement agencies in training
2-26 programs; and

2-27 (B) performance of the commission's other
2-28 functions; and

2-29 (6) conduct research and stimulate research by public
2-30 and private agencies to improve law enforcement and police
2-31 administration.

2-32 SECTION 5. Section 1701.163, Occupations Code, is amended
2-33 to read as follows:

2-34 Sec. 1701.163. MINIMUM STANDARDS FOR LAW ENFORCEMENT
2-35 AGENCIES ~~[INFORMATION PROVIDED BY COMMISSIONING ENTITIES]~~. ~~[(a)~~
2-36 ~~This section applies only to an entity authorized by statute or by~~
2-37 ~~the constitution to create a law enforcement agency or police~~
2-38 ~~department and commission, appoint, or employ officers that first~~
2-39 ~~creates a law enforcement agency or police department and first~~
2-40 ~~begins to commission, appoint, or employ officers on or after~~
2-41 ~~September 1, 2009.~~

2-42 ~~[(b)]~~ The [entity shall submit to the] commission, with
2-43 input from an advisory committee, shall by rule establish minimum
2-44 standards with respect to the creation or operation of a law
2-45 enforcement agency, including [on creation of the law enforcement
2-46 agency or police department information regarding]:

2-47 (1) a determination regarding the need for and public
2-48 benefit of creating the [law enforcement] agency [or police
2-49 department] in the community;

2-50 (2) the sustainable funding sources for the [law
2-51 enforcement] agency [or police department];

2-52 (3) the physical resources available to officers,
2-53 which may differ based on the size of the law enforcement agency,
2-54 including:

2-55 (A) duty firearms, including patrol rifles and
2-56 shotguns;

2-57 (B) less lethal force weapons, including a
2-58 requirement of at least one per officer on duty;

2-59 (C) effective communications equipment;

2-60 (D) protective equipment, including a
2-61 requirement of at least one protective vest per officer on duty;

2-62 (E) officer uniforms; and

2-63 (F) patrol vehicles and associated equipment;

2-64 (4) the physical facilities of [that] the [law
2-65 enforcement] agency [or police department will operate], including
2-66 any [descriptions of the] evidence room, dispatch area, or [and]
2-67 public area;

2-68 (5) the [law enforcement] policies of the [law
2-69 enforcement] agency [or police department], including policies on:

- 3-1 (A) use of force;
- 3-2 (B) vehicle pursuit;
- 3-3 (C) professional conduct of officers;
- 3-4 (D) domestic abuse protocols;
- 3-5 (E) response to missing persons;
- 3-6 (F) supervision of part-time officers; ~~and~~
- 3-7 (G) impartial policing;
- 3-8 (H) active shooters; and
- 3-9 (I) barricaded subjects;
- 3-10 (6) ~~the administrative structure of the [law~~
- 3-11 ~~enforcement] agency [or police department];~~
- 3-12 (7) liability insurance; and
- 3-13 (8) any other standard [information] the commission
- 3-14 considers necessary [requires by rule].

3-15 SECTION 6. Subchapter D, Chapter 1701, Occupations Code, is

3-16 amended by adding Sections 1701.165, 1701.166, 1701.167, 1701.168,

3-17 and 1701.169 to read as follows:

3-18 Sec. 1701.165. ADVISORY COMMITTEES. (a) The commission by

3-19 rule may establish advisory committees to make recommendations to

3-20 the commission on programs, rules, and policies administered by the

3-21 commission.

3-22 (b) In establishing an advisory committee under this

3-23 section, the commission shall adopt rules, including rules

3-24 regarding:

- 3-25 (1) the purpose, role, responsibility, goals, and
- 3-26 duration of the committee;
- 3-27 (2) the size of and quorum requirement for the
- 3-28 committee;
- 3-29 (3) qualifications for committee membership;
- 3-30 (4) appointment procedures for members;
- 3-31 (5) terms of service for members;
- 3-32 (6) training requirements for members;
- 3-33 (7) policies to avoid conflicts of interest by
- 3-34 members;
- 3-35 (8) a periodic review process to evaluate the
- 3-36 continuing need for the committee; and
- 3-37 (9) policies to ensure the committee does not violate
- 3-38 any provision of Chapter 551, Government Code, applicable to the
- 3-39 commission or the committee.

3-40 Sec. 1701.166. SUBPOENA. (a) The commission may compel by

3-41 subpoena the production for inspection or copying of a record

3-42 described by Section 1701.162(a) that is relevant to the

3-43 investigation of an alleged violation of this chapter or a

3-44 commission rule.

3-45 (b) The commission, acting through the attorney general,

3-46 may bring an action to enforce a subpoena issued under Subsection

3-47 (a) against a person who fails to comply with the subpoena.

3-48 (c) Venue for an action brought under Subsection (b) is in a

3-49 district court in:

- 3-50 (1) Travis County; or
- 3-51 (2) any county in which the commission may conduct a
- 3-52 hearing.

3-53 (d) The court shall order compliance with the subpoena if

3-54 the court finds that good cause exists to issue the subpoena.

3-55 Sec. 1701.167. EXAMINATION OF LICENSE HOLDER. (a) The

3-56 commission, with input from an advisory committee, shall adopt a

3-57 model policy prescribing standards and procedures for the medical

3-58 and psychological examination of a license holder to ensure the

3-59 license holder is able to perform the duties for which the license

3-60 is required.

3-61 (b) Each law enforcement agency in this state shall adopt

3-62 the model policy described by Subsection (a) or a substantively

3-63 similar policy. A policy adopted by a law enforcement agency under

3-64 this section must be submitted to the commission, and the

3-65 commission shall maintain a copy of the policy.

3-66 (c) If a license holder refuses to submit to an examination

3-67 required by a policy adopted under Subsection (b), the law

3-68 enforcement agency that employs the license holder shall notify the

3-69 commission of the refusal. The commission shall issue an order

4-1 requiring the license holder to show cause for the license holder's
 4-2 refusal at a hearing on the order scheduled for not later than the
 4-3 30th day after the date notice is served on the license holder. The
 4-4 commission shall provide notice under this section by personal
 4-5 service or by registered mail, return receipt requested.

4-6 (d) At the hearing, the license holder may appear in person
 4-7 and by counsel and present evidence to justify the license holder's
 4-8 refusal to submit to examination. After the hearing, the
 4-9 commission shall issue an order requiring the license holder to
 4-10 submit to an examination under this section or withdrawing the
 4-11 request for the examination.

4-12 (e) Unless the request is withdrawn, the commission may
 4-13 suspend or otherwise restrict the license of a license holder who
 4-14 refuses to submit to the examination.

4-15 (f) An appeal from the commission's order under this section
 4-16 is governed by Chapter 2001, Government Code.

4-17 (g) If the results of an examination under this section show
 4-18 that the license holder does not meet the standards of the policy
 4-19 adopted under Subsection (b), the commission shall suspend the
 4-20 license holder's license.

4-21 (h) Records relating to a request or order of the commission
 4-22 or a hearing or examination conducted under this section,
 4-23 including, if applicable, the identity of the person notifying the
 4-24 commission that a license holder may not meet the standards
 4-25 required by the policy adopted under Subsection (b), are
 4-26 confidential and not subject to disclosure under Chapter 552,
 4-27 Government Code.

4-28 (i) An order issued by the commission regarding a license
 4-29 holder that is based on information obtained during an examination
 4-30 under this section may only reference the statutory basis for the
 4-31 order and may not disclose the reason for the examination.

4-32 Sec. 1701.168. LICENSING STATUS DATABASE. (a) The
 4-33 commission shall establish a database containing, for each officer
 4-34 licensed under this chapter:

4-35 (1) the officer's license status, including a record
 4-36 of any action taken against the officer by the commission; and

4-37 (2) personnel files provided by each law enforcement
 4-38 agency that employs the officer, including a record of any
 4-39 investigation into alleged misconduct and any disciplinary action
 4-40 taken against the officer by the agency.

4-41 (b) The commission shall make available to a law enforcement
 4-42 agency on request any relevant information maintained in the
 4-43 database for purposes of Sections 1701.303 and 1701.451(a).

4-44 (c) On request of an officer, the commission shall provide
 4-45 to the officer free of charge any information maintained in the
 4-46 database regarding the officer, including any information relating
 4-47 to an investigation of misconduct by a law enforcement agency under
 4-48 the policy described by Section 1701.4522.

4-49 (d) Except as provided by Subsections (b) and (c),
 4-50 information maintained in the database established under this
 4-51 section is confidential and not subject to disclosure under Chapter
 4-52 552, Government Code.

4-53 Sec. 1701.169. LAW ENFORCEMENT DATABASE. The commission
 4-54 shall designate one or more national law enforcement databases that
 4-55 a law enforcement agency must access to complete the preemployment
 4-56 background check required under Sections 1701.303(a), 1701.3035,
 4-57 and 1701.451(a). A database designated under this section must be
 4-58 as comprehensive as possible.

4-59 SECTION 7. Section 1701.202, Occupations Code, is amended
 4-60 by amending Subsection (b) and adding Subsection (d) to read as
 4-61 follows:

4-62 (b) Except as provided by Subsection (d), on [on] request, a
 4-63 license holder is entitled to [may] obtain information regarding a
 4-64 complaint made against the license holder under this chapter,
 4-65 including a complete copy of the complaint file. On receipt of a
 4-66 request under this subsection, the commission shall provide the
 4-67 requested information in a timely manner to allow the license
 4-68 holder time to respond to the complaint.

4-69 (d) The commission is not required to provide the identity

5-1 of any nontestifying complainant in response to a request under
5-2 Subsection (b).

5-3 SECTION 8. Section 1701.203(c), Occupations Code, is
5-4 amended to read as follows:

5-5 (c) The commission shall periodically notify the complaint
5-6 parties [~~to the complaint~~] of the status of the complaint until
5-7 final disposition unless the notice would jeopardize an
5-8 investigation.

5-9 SECTION 9. Subchapter E, Chapter 1701, Occupations Code, is
5-10 amended by adding Section 1701.205 to read as follows:

5-11 Sec. 1701.205. OFFICER PERSONNEL SERVICE REPORTS. (a) The
5-12 commission shall establish a public database containing personnel
5-13 service reports of each officer licensed under this chapter. A
5-14 service report must:

5-15 (1) include the information required by Subsection
5-16 (b); and

5-17 (2) be compiled in a format that makes the information
5-18 readily available to the public.

5-19 (b) Except as otherwise provided by this section, a service
5-20 report must contain the following information with respect to each
5-21 officer:

5-22 (1) the date the officer completed the basic training
5-23 course;

5-24 (2) whether the officer is in compliance with
5-25 continuing education requirements and the continuing education
5-26 courses completed;

5-27 (3) the total hours of training the officer has
5-28 completed; and

5-29 (4) the date the officer's license was issued.

5-30 (c) The commission shall adopt rules to exclude from the
5-31 database personnel service reports for certain officers if
5-32 including the service report would create a safety risk for the
5-33 officer based on the officer's position or duties, including the
5-34 service reports of undercover officers and officers involved in
5-35 active narcotics operations. Rules adopted under this section must
5-36 allow a law enforcement agency to request, in a manner prescribed by
5-37 the commission, the service report of an undercover officer
5-38 employed by the agency to be excluded from the database. An excluded
5-39 personnel service report and a request to exclude an officer's
5-40 personnel service report under this section are confidential and
5-41 not subject to disclosure under Chapter 552, Government Code.

5-42 SECTION 10. Section 1701.253, Occupations Code, is amended
5-43 by adding Subsection (a-1) and amending Subsections (g), (h), (i),
5-44 (j), (l), (m), (o), and (p) to read as follows:

5-45 (a-1) The commission by rule shall establish deadlines for
5-46 an officer to complete any minimum curriculum requirements that are
5-47 not completed as part of the officer's basic training course.

5-48 (g) As part of the minimum curriculum requirements, the
5-49 commission shall establish a statewide comprehensive education and
5-50 training program on asset forfeiture under Chapter 59, Code of
5-51 Criminal Procedure, for officers licensed under this chapter. [An
5-52 officer shall complete a program established under this subsection
5-53 not later than the second anniversary of the date the officer is
5-54 licensed under this chapter or the date the officer applies for an
5-55 intermediate proficiency certificate, whichever date is earlier.]

5-56 (h) As part of the minimum curriculum requirements, the
5-57 commission shall establish a statewide comprehensive education and
5-58 training program on racial profiling for officers licensed under
5-59 this chapter. [An officer shall complete a program established
5-60 under this subsection not later than the second anniversary of the
5-61 date the officer is licensed under this chapter or the date the
5-62 officer applies for an intermediate proficiency certificate,
5-63 whichever date is earlier.]

5-64 (i) As part of the minimum curriculum requirements, the
5-65 commission shall establish a statewide comprehensive education and
5-66 training program on identity theft under Section 32.51, Penal Code,
5-67 for officers licensed under this chapter. [An officer shall
5-68 complete a program established under this subsection not later than
5-69 the second anniversary of the date the officer is licensed under

6-1 ~~this chapter or the date the officer applies for an intermediate~~
6-2 ~~proficiency certificate, whichever date is earlier.]~~

6-3 (j) As part of the minimum curriculum requirements, the
6-4 commission shall require an officer to complete a 40-hour statewide
6-5 education and training program on de-escalation and crisis
6-6 intervention techniques to facilitate interaction with persons
6-7 with mental impairments. ~~[An officer shall complete the program~~
6-8 ~~not later than the second anniversary of the date the officer is~~
6-9 ~~licensed under this chapter or the date the officer applies for an~~
6-10 ~~intermediate proficiency certificate, whichever date is earlier.]~~

6-11 An officer may not satisfy the requirements of this subsection or
6-12 Section 1701.402(g) by taking an online course on de-escalation and
6-13 crisis intervention techniques to facilitate interaction with
6-14 persons with mental impairments.

6-15 (l) As part of the minimum curriculum requirements, the
6-16 commission shall require an officer licensed by the commission on
6-17 or after January 1, 2016, to complete a canine encounter training
6-18 program established by the commission under Section 1701.261. ~~[An~~
6-19 ~~officer shall complete the program not later than the second~~
6-20 ~~anniversary of the date the officer is licensed under this chapter~~
6-21 ~~unless the officer completes the program as part of the officer's~~
6-22 ~~basic training course.]~~

6-23 (m) As part of the minimum curriculum requirements, the
6-24 commission shall establish a statewide comprehensive education and
6-25 training program on procedures for interacting with drivers who are
6-26 deaf or hard of hearing, as defined by Section 81.001, Human
6-27 Resources Code, including identifying specialty license plates
6-28 issued to individuals who are deaf or hard of hearing under Section
6-29 504.204, Transportation Code. ~~[An officer shall complete a program~~
6-30 ~~established under this subsection not later than the second~~
6-31 ~~anniversary of the date the officer is licensed under this chapter~~
6-32 ~~or the date the officer applies for an intermediate proficiency~~
6-33 ~~certificate, whichever date is earlier.]~~

6-34 (o) As part of the minimum curriculum requirements, the
6-35 commission shall require an officer to complete the civilian
6-36 interaction training program developed under Section 1701.268. ~~[An~~
6-37 ~~officer shall complete the program not later than the second~~
6-38 ~~anniversary of the date the officer is licensed under this chapter~~
6-39 ~~unless the officer completes the program as part of the officer's~~
6-40 ~~basic training course.]~~

6-41 (p) As part of the minimum curriculum requirements, the
6-42 commission shall require an officer to complete the basic education
6-43 and training program on the trafficking of persons developed under
6-44 Section 1701.258(a). ~~[An officer shall complete the program not~~
6-45 ~~later than the second anniversary of the date the officer is~~
6-46 ~~licensed under this chapter unless the officer completes the~~
6-47 ~~program as part of the officer's basic training course.]~~

6-48 SECTION 11. Section 1701.303, Occupations Code, is amended
6-49 to read as follows:

6-50 Sec. 1701.303. LICENSE APPLICATION; DUTIES OF APPOINTING
6-51 ENTITY. (a) Before a [A] law enforcement agency or governmental
6-52 entity [that] hires a person for whom a license is sought, the
6-53 agency or entity must:

6-54 (1) review any information relating to the person
6-55 available:

6-56 (A) in a database established under Section
6-57 1701.168;

6-58 (B) in a database designated under Section
6-59 1701.169; and

6-60 (C) if applicable, in a file provided to the
6-61 commission under Section 1701.3035; and

6-62 (2) file an application with the commission as
6-63 provided by commission rule.

6-64 (b) A person who appoints an officer or county jailer
6-65 licensed by the commission shall notify the commission not later
6-66 than the 30th day after the date of the appointment. If the person
6-67 appoints an individual who previously served as an officer or
6-68 county jailer and the appointment occurs after the 180th day after
6-69 the last date of service as an officer or county jailer, the person

7-1 must have on file for the license holder [~~officer or county jailer~~]
7-2 in a form readily accessible to the commission:

- 7-3 (1) new criminal history record information;
- 7-4 (2) a new declaration of psychological and emotional
7-5 health and lack of drug dependency or illegal drug use; and
- 7-6 (3) new documentation that the license holder has been
7-7 fingerprinted and subjected to a search of local, state, and
7-8 national records and fingerprint files to disclose any criminal
7-9 record of the license holder [~~two completed fingerprint cards~~].

7-10 (c) A person who appoints or employs a telecommunicator
7-11 licensed by the commission shall notify the commission not later
7-12 than the 30th day after the date of the appointment or employment.
7-13 If the person appoints or employs an individual who previously
7-14 served as a telecommunicator and the appointment or employment
7-15 occurs after the 180th day after the last date of service as a
7-16 telecommunicator, the person must have on file in a form readily
7-17 accessible to the commission:

- 7-18 (1) new criminal history record information; and
- 7-19 (2) new documentation that the license holder has been
7-20 fingerprinted and subjected to a search of local, state, and
7-21 national records and fingerprint files to disclose any criminal
7-22 record of the license holder [~~two completed fingerprint cards~~].

7-23 SECTION 12. Subchapter G, Chapter 1701, Occupations Code,
7-24 is amended by adding Section 1701.3035 to read as follows:

7-25 Sec. 1701.3035. OUT-OF-STATE LICENSE HOLDERS. (a) Before
7-26 issuing an officer license under this chapter to an applicant who
7-27 holds or previously held an equivalent license in another state,
7-28 the commission must request from the licensing authority of the
7-29 other state the personnel file and any other relevant record
7-30 regarding the applicant.

7-31 (b) An applicant for an officer license may not be denied a
7-32 license for the sole reason that the licensing authority of another
7-33 state did not provide a record requested by the commission under
7-34 this section.

7-35 SECTION 13. Section 1701.404(b), Occupations Code, is
7-36 amended to read as follows:

7-37 (b) The commission may certify a sheriff, sheriff's deputy,
7-38 constable, other peace officer, county jailer, or justice of the
7-39 peace as a special officer for offenders with mental impairments if
7-40 the person:

- 7-41 (1) completes a training course in emergency first aid
7-42 and lifesaving techniques approved by the commission;
- 7-43 (2) completes a training course administered by the
7-44 commission on mental health issues and offenders with mental
7-45 impairments; and
- 7-46 (3) passes an examination administered by the
7-47 commission that is designed to test the person's:
 - 7-48 (A) knowledge and recognition of the
7-49 characteristics and symptoms of mental illness, intellectual
7-50 disabilities [~~mental retardation~~], and developmental [~~mental~~]
7-51 disabilities; and
 - 7-52 (B) knowledge of mental health crisis
7-53 intervention strategies for people with mental impairments.

7-54 SECTION 14. Section 1701.451(a), Occupations Code, is
7-55 amended to read as follows:

7-56 (a) Before a law enforcement agency may hire a person
7-57 licensed under this chapter, the agency must, on a form and in the
7-58 manner prescribed by the commission:

- 7-59 (1) obtain the person's written consent for the agency
7-60 to review the information required to be reviewed under this
7-61 section;
- 7-62 (2) request from the commission and any other
7-63 applicable person information required to be reviewed under this
7-64 section; and
- 7-65 (3) submit to the commission confirmation that the
7-66 agency, to the best of the agency's ability before hiring the
7-67 person:
 - 7-68 (A) contacted each entity or individual
7-69 necessary to obtain the information required to be reviewed under

8-1 this section; and
8-2 (B) except as provided by Subsection (b),
8-3 obtained and reviewed as related to the person, as applicable:
8-4 (i) personnel files and other employee
8-5 records from each previous law enforcement agency employer,
8-6 including the employment application submitted to the previous
8-7 employer;
8-8 (ii) employment termination reports and
8-9 misconduct investigation reports maintained by the commission
8-10 under this subchapter;
8-11 (iii) service records maintained by the
8-12 commission;
8-13 (iv) proof that the person meets the
8-14 minimum qualifications for enrollment in a training program under
8-15 Section 1701.251(a);
8-16 (v) a military veteran's United States
8-17 Department of Defense Form DD-214 or other military discharge
8-18 record;
8-19 (vi) criminal history record information;
8-20 (vii) information on pending warrants as
8-21 available through the Texas Crime Information Center and National
8-22 Crime Information Center;
8-23 (viii) evidence of financial
8-24 responsibility as required by Section 601.051, Transportation
8-25 Code;
8-26 (ix) a driving record from the Department
8-27 of Public Safety;
8-28 (x) proof of United States citizenship;
8-29 [~~and~~]
8-30 (xi) information on the person's background
8-31 from at least three personal references and at least two
8-32 professional references; and
8-33 (xii) information on the person's law
8-34 enforcement background as available through a database designated
8-35 by the commission under Section 1701.169 and, if applicable, a file
8-36 or record obtained by the commission under Section 1701.3035.
8-37 SECTION 15. Subchapter J, Chapter 1701, Occupations Code,
8-38 is amended by adding Section 1701.4522 to read as follows:
8-39 Sec. 1701.4522. MISCONDUCT INVESTIGATION AND HIRING
8-40 PROCEDURES. (a) The commission shall adopt a model policy
8-41 establishing procedures applicable to a law enforcement agency:
8-42 (1) investigating alleged misconduct by a license
8-43 holder employed by the agency; and
8-44 (2) hiring a license holder.
8-45 (b) The policy established under this section must:
8-46 (1) require a law enforcement agency to:
8-47 (A) conduct and complete an appropriate criminal
8-48 or administrative investigation into any alleged misconduct of a
8-49 license holder employed by the agency at the time of the alleged
8-50 misconduct;
8-51 (B) report a criminal investigation into alleged
8-52 misconduct to the commission in a timely manner after the
8-53 investigation is commenced;
8-54 (C) complete an administrative investigation of
8-55 alleged misconduct and prepare and submit to the commission a
8-56 report on the investigation in a timely manner but not later than
8-57 the 10th business day after the date of the license holder's
8-58 separation from the agency, if applicable;
8-59 (D) include a report of the completed
8-60 investigation in the personnel file of the license holder
8-61 maintained by the agency; and
8-62 (E) submit to the commission each report of a
8-63 completed investigation;
8-64 (2) provide that an investigation into the alleged
8-65 misconduct of a license holder may not be terminated by the
8-66 resignation, retirement, termination, death, or separation from
8-67 employment of the license holder;
8-68 (3) specify that a license holder under investigation
8-69 for misconduct is entitled to any internal due process procedures

9-1 provided by the investigating agency to contest the investigation
 9-2 or completed report;
 9-3 (4) require a law enforcement agency to request and
 9-4 review any information regarding an applicant for employment
 9-5 maintained by the commission in the licensing status database
 9-6 established under Section 1701.168 as part of the preemployment
 9-7 procedures required under Section 1701.451(a); and
 9-8 (5) establish a provisional hiring period of 30 days
 9-9 for any license holder employed by a law enforcement agency and
 9-10 allow a law enforcement agency to terminate the employment of the
 9-11 license holder if information relating to an investigation of
 9-12 alleged misconduct by the license holder is made available to the
 9-13 agency by the commission as part of the preemployment procedures
 9-14 required under Section 1701.451(a) within the provisional period.
 9-15 (c) A law enforcement agency shall adopt the model policy
 9-16 described by Subsection (a) or a substantively similar policy. A
 9-17 policy adopted by a law enforcement agency under this section must
 9-18 be submitted to the commission and the commission shall maintain a
 9-19 copy of the policy.
 9-20 (d) The commission shall maintain each report received
 9-21 under a policy adopted under this section as part of the license
 9-22 holder's record in the licensing status database established under
 9-23 Section 1701.168.
 9-24 SECTION 16. Section 1701.453, Occupations Code, is amended
 9-25 to read as follows:
 9-26 Sec. 1701.453. MAINTENANCE OF REPORTS [~~AND STATEMENTS~~].
 9-27 The commission shall maintain a copy of each report [~~and statement~~]
 9-28 submitted to the commission under this subchapter until at least
 9-29 the 10th anniversary of the date on which the report [~~or statement~~]
 9-30 is submitted.
 9-31 SECTION 17. Section 1701.456(a), Occupations Code, is
 9-32 amended to read as follows:
 9-33 (a) The commission is not liable for civil damages for
 9-34 providing information contained in a report [~~or statement~~]
 9-35 maintained by the commission under this subchapter if the
 9-36 commission released the information as provided by this subchapter.
 9-37 SECTION 18. The heading to Subchapter K, Chapter 1701,
 9-38 Occupations Code, is amended to read as follows:
 9-39 SUBCHAPTER K. DISCIPLINARY GROUNDS AND PROCEDURES
 9-40 SECTION 19. Subchapter K, Chapter 1701, Occupations Code,
 9-41 is amended by adding Section 1701.5011 to read as follows:
 9-42 Sec. 1701.5011. EMERGENCY SUSPENSION. (a) The commission
 9-43 shall adopt rules specifying the circumstances under which the
 9-44 commission may issue an emergency order, without a hearing,
 9-45 suspending a person's license for a period not to exceed 90 days
 9-46 after determining that the person constitutes an imminent threat to
 9-47 the public health, safety, or welfare.
 9-48 (b) An order suspending a license under this section must
 9-49 state the length of the suspension in the order.
 9-50 (c) If an emergency order is issued without a hearing under
 9-51 this section, the commission shall, not later than the 10th day
 9-52 after the date the order was issued, set the time and place for a
 9-53 hearing on the order. The hearing must be conducted as soon as
 9-54 practicable. A hearing under this section to affirm, modify, or set
 9-55 aside the emergency order shall be conducted by the State Office of
 9-56 Administrative Hearings. The order shall be affirmed to the extent
 9-57 that good cause existed to issue the order.
 9-58 (d) The commission by rule may prescribe procedures for the
 9-59 determination and appeal of an emergency order issued under this
 9-60 section, including a rule allowing the commission to affirm,
 9-61 modify, or set aside a decision made by the State Office of
 9-62 Administrative Hearings under Subsection (c).
 9-63 (e) A proceeding under this section is a contested case
 9-64 under Chapter 2001, Government Code.
 9-65 SECTION 20. The following provisions of the Occupations
 9-66 Code are repealed:
 9-67 (1) Sections 1701.452(b) and (c);
 9-68 (2) Section 1701.4521; and
 9-69 (3) Section 1701.4525.

10-1 SECTION 21. (a) Except as provided by Subsection (b) of
10-2 this section, Section 1701.059, Occupations Code, as amended by
10-3 this Act, applies to a member of the Texas Commission on Law
10-4 Enforcement appointed before, on, or after the effective date of
10-5 this Act.

10-6 (b) A member of the Texas Commission on Law Enforcement who,
10-7 before the effective date of this Act, completed the training
10-8 program required by Section 1701.059, Occupations Code, as that law
10-9 existed before the effective date of this Act, is only required to
10-10 complete additional training on the subjects added by this Act to
10-11 the training program required by Section 1701.059, Occupations
10-12 Code. A commission member described by this subsection may not
10-13 vote, deliberate, or be counted as a member in attendance at a
10-14 meeting of the commission held on or after December 1, 2023, until
10-15 the member completes the additional training.

10-16 SECTION 22. (a) Not later than March 1, 2024, the Texas
10-17 Commission on Law Enforcement shall:

10-18 (1) adopt rules and update forms as necessary to
10-19 implement the changes in law made by this Act to Chapter 1701,
10-20 Occupations Code;

10-21 (2) adopt the model policies required by Sections
10-22 1701.167 and 1701.4522, Occupations Code, as added by this Act;

10-23 (3) establish the licensing status database as
10-24 required by Section 1701.168, Occupations Code, as added by this
10-25 Act; and

10-26 (4) designate the database as required by Section
10-27 1701.169, Occupations Code, as added by this Act.

10-28 (b) Not later than May 1, 2024, each law enforcement agency
10-29 in this state shall adopt the policies required by Sections
10-30 1701.167 and 1701.4522, Occupations Code, as added by this Act.

10-31 (c) Not later than September 1, 2024, the Texas Commission
10-32 on Law Enforcement shall establish the database containing officer
10-33 personnel service reports as required by Section 1701.205,
10-34 Occupations Code, as added by this Act.

10-35 SECTION 23. Sections 1701.303 and 1701.451(a), Occupations
10-36 Code, as amended by this Act, and Section 1701.3035, Occupations
10-37 Code, as added by this Act, apply only with respect to a person
10-38 hired on or after March 1, 2024. A person hired before March 1,
10-39 2024, is governed by the law in effect immediately before the
10-40 effective date of this Act, and the former law is continued in
10-41 effect for that purpose.

10-42 SECTION 24. The changes in law made by this Act to
10-43 Subchapter J, Chapter 1701, Occupations Code, apply only to a
10-44 report required to be submitted under Section 1701.452, Occupations
10-45 Code, as amended by this Act, regarding a separation of a license
10-46 holder that occurs on or after March 1, 2024. A separation that
10-47 occurs before March 1, 2024, is governed by the law in effect
10-48 immediately before the effective date of this Act, and the former
10-49 law is continued in effect for that purpose.

10-50 SECTION 25. This Act takes effect September 1, 2023.

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