

## **BILL ANALYSIS**

Senate Research Center  
80R9798 YDB-F

S.B. 1395  
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Criminal Justice  
4/17/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 79th Legislature recognized the need to address the growing phenomena within law enforcement where officers, known as "gypsy cops," move from one department to another because of disciplinary or performance problems. H.B. 2677 was enacted by the 79th Legislature to prevent such officers from moving to new departments. Proponents of the bill hoped that the required background checks and disclosure of the reasons of termination which the bill included would remove gypsy cops from the job market.

As proposed, S.B. 1395 provides more narrow definitions to further strengthen the statute enacted in the 79th Legislature. This bill also requires the Texas Commission on Law Enforcement Officer Standards and Education to revoke the license of an officer who is dishonorably discharged on two separate occasions after all appeals are exhausted.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Law Enforcement Officer Standards and Education in SECTION 3 (Section 1701.4521, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1701.451, Occupations Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires a law enforcement agency head or the agency head's designee to submit to the Commission on Law Enforcement Officer Standards and Education (commission) on the form prescribed by the commission confirmation that the agency conducted in the manner prescribed by the commission a criminal background check regarding the person and obtained the person's written consent on a form prescribed by the commission for the agency to view the person's employment records before a law enforcement agency may hire a person licensed under this chapter.

(a-1) Requires a law enforcement agency that obtains a consent form described by Subsection (a)(2)(B) to make the person's employment records available to a hiring law enforcement agency on request.

SECTION 2. Amends Section 1701.452, Occupations Code, as follows:

Sec. 1701.452. EMPLOYMENT TERMINATION REPORT. (a) Requires the head of a law enforcement agency or the head's designee to submit a report to the commission on a form prescribed by the commission regarding a person licensed under this chapter who retires from employment with the law enforcement agency, whose appointment with the law enforcement agency is terminated, or who separates from the law enforcement agency for any other reason. Requires the agency head or the designee to include in the report a statement on whether the license holder was honorably discharged, generally discharged, or dishonorably discharged, rather than certain information. Defines "honorably discharged," "general discharge," and "dishonorably discharged" for purposes of this subsection. Deletes existing text relating to certain information and designations required to be reported.

(b) Makes conforming changes.

(c) Makes conforming changes.

SECTION 3. Amends Subchapter J, Chapter 1701, Occupations Code, by adding Section 1701.4521, as follows:

Sec. 1701.4521. LICENSE SUSPENSION FOR OFFICER DISHONORABLY DISCHARGED. (a) Authorizes the commission to suspend the license of an officer on notification that the officer has been dishonorably discharged.

(b) Requires the commission to suspend the license of an officer on notification that the officer has been dishonorably discharged if the officer has previously been dishonorably discharged from another law enforcement agency.

(c) Authorizes an officer whose license is suspended under this section to appeal the suspension in writing to the commission not later than the 30th day after the date the officer is suspended.

(d) Authorizes the commission to revoke or reinstate the officer's license in accordance with rules or procedures adopted by the commission under this chapter related to revocation or reinstatement of a license after a commission determination. Requires the commission to revoke the officer's license if the officer does not appeal the suspension before the 30th day after the date the officer is suspended.

(e) Provides that the commission's decision does not affect the employment relationship between an officer and a law enforcement agency, or any disciplinary action taken against an officer by a law enforcement agency.

SECTION 4. Makes application of Subchapter J, Chapter 1701, Occupations Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2007.