

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2445 by Driver (Relating to certain employment records maintained by the Commission on Law Enforcement Officer Standards and Education; providing an administrative penalty.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code as it relates to certain employment records maintained by the Texas Commission on Law Enforcement Standards and Education (TCLEOSE).

Under the provision of the bill a law enforcement agency or the head's designee would be required to include in the employment termination report a statement indicating whether the officer was honorably discharged, generally discharged, or dishonorably discharged and an explanation of the circumstances of the separation. The bill states the report must be submitted no later than the seventh business day after the date the license holder resigns, retires, or separates from the agency or exhausts all administrative appeals available to the license holder or the holder's next of kin. Upon notification an officer has been dishonorably discharged and if the officer has previously been dishonorably discharged from another law enforcement agency, TCLEOSE shall suspend an officer's license under the provision of the bill. TCLEOSE would be required to suspend an officer's license if it had previously received notice the officer had been dishonorably discharged from a law enforcement agency. The bill would also require TCLEOSE revoke the license of an officer on the 30th day after the date the officer's license is suspended if the officer does not appeal the suspension.

The bill states that to contest the commission's order or to correct an employment termination report, an administrative law judge shall determine if the alleged misconduct occurred regardless if the person was terminated, resigned, retired, or separated in lieu of termination. If the alleged misconduct is not supported by the evidence, the administrative law judge shall order the report to be changed. The bill states the venue for the prosecution of an offense lies in the county where the offense happened or in Travis County. This bill would take effect September 1, 2007 and apply only to employment termination reports on or after the effective date of the Act.

TCLEOSE and the Office of Administrative Hearings do not anticipate significant fiscal impacts to their agencies as a result of complying with the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 360 State Office of Administrative Hearings, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: JOB, ES, GG, LG, LM