

BILL ANALYSIS

Senate Research Center
82R8158 MAW-F

H.B. 1402
By: Guillen (Zaffirini)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The consequences of criminal convictions on occupational licenses are contained in current law. Observers note that licensed peace officers are exempt from that law but that other law enforcement officers, including county jailers, are only partially exempt despite being licensed by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE). The observers further note that applicants for a license to provide law enforcement services are specifically exempted from the statutory provision relating to the initial licensure of certain applicants with prior criminal convictions but not from the provision disciplining license holders for such convictions.

Under the Occupations Code, TCLEOSE issues licenses to peace officers and other officers, such as jailers, and is also authorized to discipline license holders under those provisions. However, there is concern that TCLEOSE is unable to discipline licensees equally because some law enforcement officers, such as jailers, are only partially exempt from provisions relating to consequences for criminal convictions. TCLEOSE routinely takes disciplinary action against individuals who hold both a jailer and a peace officer license. As a result, there is potential conflict between the disciplinary provisions of the code. H.B. 1402 seeks to remedy this issue.

H.B. 1402 amends current law relating to the applicability of the law on the consequences of a criminal conviction to law enforcement officer license holders and applicants.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 53.002, Occupations Code, to provide that this chapter does not apply to certain entities and persons, including a person licensed or an applicant for a license under Chapter 1701 (Law Enforcement Officers), rather than a peace officer or an applicant for a license as a peace officer described by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure.

SECTION 2. Effective date: September 1, 2011.