

BILL ANALYSIS

H.B. 1402
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The consequences of criminal convictions on occupational licenses are contained in Texas statutes. 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 a 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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1402 amends the Occupations Code to exempt from provisions of law relating to the consequences of a criminal conviction on a person's eligibility for certain occupational licenses a person licensed or an applicant for a license as a peace officer, reserve law enforcement officer, county jailer, or public security officer, rather than a peace officer or an applicant for a license as a peace officer.

EFFECTIVE DATE

September 1, 2011.