

By: Bohac

H.B. No. 1725

A BILL TO BE ENTITLED

AN ACT

relating to the procedures to modify employment termination reports for law enforcement officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 1701.4525, Occupations Code, is amended to read as follows:

Sec. 1701.4525. PETITION FOR MODIFICATION [~~CORRECTION~~] OF REPORT; HEARING[~~, ADMINISTRATIVE PENALTY~~].

SECTION 2. Sections 1701.4525(a), (d), and (e), Occupations Code, are amended to read as follows:

(a) A person who is the subject of an employment termination report maintained by the commission under this subchapter may contest the category of discharge stated [~~information contained~~] in the report by submitting to the law enforcement agency and to the commission a written petition on a form prescribed by the commission for a modification [~~correction~~] of the report not later than the 30th day after the date the person receives a copy of the report. On receipt of the petition, the commission shall refer the petition to the State Office of Administrative Hearings.

(d) A proceeding to contest the category of discharge stated [~~information~~] in an employment termination report is a contested case under Chapter 2001, Government Code.

(e) In a proceeding to contest the category of discharge stated [~~information~~] in an employment termination report for a

1 report based on alleged misconduct, an administrative law judge  
2 shall determine if the alleged misconduct occurred by a  
3 preponderance of the evidence regardless of whether the person who  
4 is the subject of the report was terminated or the person resigned,  
5 retired, or separated in lieu of termination. If the alleged  
6 misconduct is not supported by a preponderance of the evidence, the  
7 administrative law judge shall issue a final order directing the  
8 commission, through the executive director, to prepare and sign a  
9 modified report in accordance with the final order. The commission  
10 shall replace the contested report with the modified report in the  
11 records maintained by the commission under this subchapter [~~order~~  
12 ~~the report to be changed~~].

13 SECTION 3. Section 1701.4525(e-1), Occupations Code, is  
14 repealed.

15 SECTION 4. The changes in law made by this Act to Section  
16 1701.4525, Occupations Code, apply only to a petition for the  
17 modification of an employment termination report submitted on or  
18 after the effective date of this Act. A petition submitted before  
19 the effective date of this Act is governed by the law in effect on  
20 the date the petition was submitted, and the former law is continued  
21 in effect for that purpose.

22 SECTION 5. The repeal by this Act of Section  
23 1701.4525(e-1), Occupations Code, does not affect the validity of a  
24 proceeding initiated or an administrative penalty imposed under  
25 that section before the effective date of this Act. A proceeding  
26 initiated or an administrative penalty imposed under that section  
27 before the effective date of this Act is governed by the law in

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1 effect immediately before the effective date of this Act, and the  
2 former law is continued in effect for that purpose.

3 SECTION 6. This Act takes effect September 1, 2013.