

AN ACT

relating to the correction of 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 CORRECTION OF REPORT; HEARING[~~, ADMINISTRATIVE PENALTY~~].

SECTION 2. Subsection (e), Section 1701.4525, Occupations Code, is amended to read as follows:

(e) In a proceeding to contest information in an employment termination report for a report based on alleged misconduct, an administrative law judge shall determine if the alleged misconduct occurred by a preponderance of the evidence regardless of whether the person who is the subject of the report was terminated or the person resigned, retired, or separated in lieu of termination. If the alleged misconduct is not supported by a preponderance of the evidence, the administrative law judge shall order the commission to change the report [to be changed]. The commission shall send the changed report to the law enforcement agency that prepared the original employment termination report. The law enforcement agency shall replace the original employment termination report with the changed report.

SECTION 3. Subsection (e-1), Section 1701.4525,

1 Occupations Code, is repealed.

2 SECTION 4. The changes in law made by this Act to Section
3 1701.4525, Occupations Code, apply only to a petition for a
4 correction of an employment termination report submitted on or
5 after the effective date of this Act. A petition submitted before
6 the effective date of this Act is governed by the law in effect on
7 the date the petition was submitted, and the former law is continued
8 in effect for that purpose.

9 SECTION 5. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 965 passed the Senate on April 4, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 8, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 965 passed the House, with amendment, on May 2, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor