

By: Williams
(Bohac)

S.B. No. 965

Substitute the following for S.B. No. 965:

By: Pickett

C.S.S.B. No. 965

A BILL TO BE ENTITLED

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. Section 1701.4525(e), 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. Section 1701.4525(e-1), Occupations Code, is

1 repealed.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.