

By: Bonnen of Galveston

H.B. No. 3042

A BILL TO BE ENTITLED

AN ACT

relating to access to and review of information by a law enforcement agency regarding a potential employee of the agency.

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

SECTION 1. Section 1701.451, Occupations Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) Before a law enforcement agency may hire a person licensed under this chapter, the agency head or the agency head's designee must:

(1) make a request to the commission for any employment termination report regarding the person that is maintained by the commission under this subchapter; and

(2) submit to the commission on the form prescribed by the commission confirmation that the agency:

(A) conducted in the manner prescribed by the commission a criminal background check regarding the person;

(B) obtained the person's written consent on a form prescribed by the commission for the agency to view the person's employment records;

(C) obtained from the commission any service or education records regarding the person maintained by the commission; and

(D) reviewed the person's employment records

1 from [~~contacted~~] each of the person's previous law enforcement
2 employers.

3 (d) A law enforcement agency's failure to review a person's
4 employment records as required by Subsection (a)(2)(D) or to make a
5 person's employment records available as required by Subsection
6 (a-1) constitutes grounds for imposing an administrative penalty
7 under Section 1701.507.

8 (e) To the extent of any conflict between this section and
9 Section 143.089, Local Government Code, this section controls.

10 SECTION 2. (a) Not later than December 1, 2015, the Texas
11 Commission on Law Enforcement shall update forms as necessary to
12 comply with Section 1701.451, Occupations Code, as amended by this
13 Act.

14 (b) Section 1701.451, Occupations Code, as amended by this
15 Act, applies only to the hiring of a person by a law enforcement
16 agency that occurs on or after December 1, 2015. The hiring of a
17 person by a law enforcement agency that occurs before that date is
18 governed by the law in effect immediately before the effective date
19 of this Act, and the former law is continued in effect for that
20 purpose.

21 SECTION 3. This Act takes effect September 1, 2015.