

By: Turner

H.B. No. 1811

A BILL TO BE ENTITLED

AN ACT

relating to hearings conducted by the Texas Commission on Law Enforcement.

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

SECTION 1. Subchapter C, Chapter 1701, Occupations Code, is amended by adding Section 1701.1025 to read as follows:

Sec. 1701.1025. HEARINGS OFFICERS. The commission shall employ one or more hearings officers to conduct hearings required by this chapter.

SECTION 2. Sections 1701.4525(a), (e), and (g), 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 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 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.]~~

(e) In a proceeding to contest information in an employment termination report for a report based on alleged misconduct, the commission ~~[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

1 was terminated or the person resigned, retired, or separated in
2 lieu of termination. If the alleged misconduct is not supported by a
3 preponderance of the evidence, the commission ~~[administrative law~~
4 ~~judge]~~ shall ~~[order the commission to]~~ change the report. The
5 commission shall send the changed report to the law enforcement
6 agency that prepared the original employment termination report.
7 The law enforcement agency shall replace the original employment
8 termination report with the changed report.

9 (g) The commission is not considered a party in a proceeding
10 conducted ~~[by the State Office of Administrative Hearings]~~ under
11 this section.

12 SECTION 3. Section 1701.504, Occupations Code, is amended
13 to read as follows:

14 Sec. 1701.504. HEARING. (a) Except as provided by Sections
15 1701.502 and 1701.503, if the commission proposes to suspend or
16 revoke a person's license, the person is entitled to a hearing
17 conducted by the commission ~~[State Office of Administrative~~
18 ~~Hearings]~~.

19 (b) If the commission proposes to refuse to renew a person's
20 license, the person is entitled to a hearing conducted by the
21 commission ~~[State Office of Administrative Hearings]~~.

22 SECTION 4. Section 1701.505(b), Occupations Code, is
23 repealed.

24 SECTION 5. The change in law made by this Act applies only
25 to a proceeding under Chapter 1701, Occupations Code, that
26 commences on or after the effective date of this Act. A proceeding
27 that commences before the effective date of this Act is governed by

H.B. No. 1811

1 the law in effect on the date the proceeding commenced, and the
2 former law is continued in effect for that purpose.

3 SECTION 6. This Act takes effect September 1, 2017.