86R6605 MAW-D

By:  Johnson of Harris H.B. No. 3858

A BILL TO BE ENTITLED

AN ACT

relating to an employment termination report submitted by a law enforcement agency.

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

SECTION 1.  Section 1701.452, Occupations Code, is amended by amending Subsection (b) and adding Subsection (h) to read as follows:

(b)  The head of a law enforcement agency or the head's designee shall include in the report required under Subsection (a) a statement on whether the license holder was honorably discharged, generally discharged, or dishonorably discharged and [~~, as required by the commission,~~] an explanation of the circumstances under which the person resigned, retired, separated, or was terminated, including, if applicable, a description of any violation of a rule or policy committed by the license holder and a copy of the rule or policy.  For purposes of this subsection:

(1)  "Honorably discharged" means a license holder who, while in good standing and not because of pending or final disciplinary actions or a documented performance problem, retired, resigned, or separated from employment with or died while employed by a law enforcement agency.

(2)  "Generally discharged" means a license holder who:

(A)  was terminated by, retired or resigned from, or died while in the employ of a law enforcement agency and the separation was related to a disciplinary investigation of conduct that is not included in the definition of dishonorably discharged; or

(B)  was terminated by or retired or resigned from a law enforcement agency and the separation was for a documented performance problem and was not because of a reduction in workforce or an at-will employment decision.

(3)  "Dishonorably discharged" means a license holder who:

(A)  was terminated by a law enforcement agency or retired or resigned in lieu of termination by the agency in relation to allegations of criminal misconduct; or

(B)  was terminated by a law enforcement agency or retired or resigned in lieu of termination by the agency for insubordination or untruthfulness.

(h)  At any time after the head of a law enforcement agency or the head's designee submits an employment termination report under this section regarding a license holder, the head or the designee may submit an amended report to the commission, on a form prescribed by the commission, if the head or designee determines amending the initial report is necessary based on a reconsideration of the circumstances under which the license holder resigned, retired, was terminated, or separated from the agency. Not later than the seventh business day after the date the amended report is submitted to the commission, the head of the law enforcement agency or the head's designee shall provide a copy of the amended report to the person to whom the initial report was provided as required by Subsection (d) or (e).

SECTION 2.  Section 1701.452(b), Occupations Code, as amended by this Act, applies only to a report required to be submitted under Section 1701.452(a), Occupations Code, regarding a resignation, retirement, termination, or separation of a license holder that occurs on or after the effective date of this Act. A resignation, retirement, termination, or separation that occurs before the effective date of this Act is governed by the law in effect on the date of the resignation, retirement, termination, or separation, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.