

By: Johnson of Harris

H.B. No. 3858

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

23 (A) was terminated by, retired or resigned from,
24 or died while in the employ of a law enforcement agency and the

1 separation was related to a disciplinary investigation of conduct
2 that is not included in the definition of dishonorably discharged;
3 or

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

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

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

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

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

1 Subsection (d) or (e).

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

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