By:  Pacheco, White, Dean, Guillen, Collier, H.B. No. 8

     et al.

A BILL TO BE ENTITLED

AN ACT

relating to access by a hiring law enforcement agency to an applicant's employment records.

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

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

(a-1)  A law enforcement agency that obtains a consent form described by Subsection (a)(2)(B) shall make an electronic copy of the person's employment records available to a hiring law enforcement agency on request. The commission by rule shall prescribe the manner by which a law enforcement agency shall make a person's employment records electronically available to a hiring law enforcement agency. The rules must provide appropriate privacy and security protections.

(d)  A law enforcement agency that makes a person's employment records available to a hiring law enforcement agency under Subsection (a-1) shall provide a copy of the records to the person.

(e)  A law enforcement agency that obtains employment records under this section may not disclose any information contained in the records.

SECTION 2.  Section 1701.456(b), Occupations Code, is amended to read as follows:

(b)  A law enforcement agency, agency head, or other law enforcement official is not liable for civil damages for:

(1)  a report made by that agency or person if the report is made in good faith; or

(2)  making a person's employment records available to a hiring law enforcement agency under Section 1701.451(a-1).

SECTION 3.  Subchapter J, Chapter 1701, Occupations Code, is amended by adding Section 1701.459 to read as follows:

Sec. 1701.459.  CERTAIN AGREEMENTS RELATED TO EMPLOYMENT RECORDS PROHIBITED. A person licensed under this chapter may not enter into an agreement with a law enforcement agency employing the person under which the agency is prohibited from making the person's employment records available to another law enforcement agency under Section 1701.451(a-1).

SECTION 4.  (a) Not later than December 1, 2021, the Texas Commission on Law Enforcement shall adopt rules as necessary to comply with Section 1701.451, Occupations Code, as amended by this Act.

(b)  Section 1701.451, Occupations Code, as amended by this Act, applies only to the hiring of a person by a law enforcement agency that occurs on or after December 1, 2021. The hiring of a person by a law enforcement agency that occurs before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2021.