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By:  Goodwin H.B. No. 2844

A BILL TO BE ENTITLED

AN ACT

relating to certain persons licensed by the Texas Commission on Law Enforcement.

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

SECTION 1.  Section 1701.452(b), Occupations Code, is amended 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, or was terminated. If the license holder resigned or retired, the explanation must include information regarding any pending investigation known to internal affairs, supervisors, or management that was not completed due to the officer's resignation or retirement. 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:

(i)  allegations of criminal misconduct; or

(ii)  conduct described by Section 1701.5015(b); or

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

SECTION 2.  Section 1701.4521(a), Occupations Code, is amended to read as follows:

(a)  The commission shall suspend the license of an officer licensed under this chapter on notification that the officer has been dishonorably discharged [~~if the officer has previously been dishonorably discharged from another law enforcement agency~~].

SECTION 3.  The heading to Subchapter K, Chapter 1701, Occupations Code, is amended to read as follows:

SUBCHAPTER K. DISCIPLINARY GROUNDS AND PROCEDURES

SECTION 4.  Subchapter K, Chapter 1701, Occupations Code, is amended by adding Section 1701.5015 to read as follows:

Sec. 1701.5015.  CERTAIN GROUNDS FOR DISCIPLINE OF OFFICER. (a) The commission by rule shall establish grounds under which the commission shall suspend or revoke an officer license on a determination by the commission that the license holder's continued performance of duties as an officer constitutes a threat to the public welfare.

(b)  The grounds under Subsection (a) must include:

(1)  lack of competence in performing the license holder's duties as an officer;

(2)  illegal drug use or an addiction that substantially impairs the license holder's ability to perform the license holder's duties as an officer;

(3)  lack of truthfulness in court proceedings or other governmental operations, including:

(A)  making a false statement in an offense report or other report as part of an investigation;

(B)  making a false statement to obtain employment as an officer;

(C)  making a false entry in court records or tampering with evidence, regardless of whether the license holder is prosecuted or convicted for the false entry or tampering; or

(D)  engaging in conduct designed to impair the results or procedure of an examination or testing process associated with obtaining employment as an officer or a promotion to a higher rank;

(4)  failure to follow the lawful directives of a supervising officer or to follow the policies of the employing law enforcement agency;

(5)  discriminatory conduct, including engaging in a course of conduct or a single egregious act, based on the race, color, religion, sex, pregnancy, national origin, age, disability, or sexual orientation of another that would cause a reasonable person to believe that the license holder is unable to perform the license holder's duties as an officer in a fair manner; or

(6)  conduct indicating a pattern of:

(A)  excessive use of force;

(B)  abuse of official capacity;

(C)  inappropriate relationships with persons in the custody of the license holder;

(D)  sexual harassment or sexual misconduct while performing the license holder's duties as an officer; or

(E)  misuse of information obtained as a result of the license holder's employment as an officer and related to the enforcement of criminal offenses.

SECTION 5.  Not later than January 1, 2022, the Texas Commission on Law Enforcement shall adopt the rules required by Section 1701.5015, Occupations Code, as added by this Act.

SECTION 6.  Section 1701.5015, Occupations Code, as added by this Act, applies only to conduct that occurs on or after January 1, 2022. Conduct that occurs before January 1, 2022, 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 7.  This Act takes effect September 1, 2021.