By:  A. Johnson of Harris H.B. No. 4409

A BILL TO BE ENTITLED

AN ACT

relating to the electronic delivery of records held by the Texas Commission on Law Enforcement.

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

SECTION 1.  Subchapter J, Title 10, Occupations Code, is amended by amending Section 1701.451 to read as follows:

Sec. 1701.451.  PREEMPLOYMENT REQUEST FOR EMPLOYMENT TERMINATION REPORT AND SUBMISSION OF BACKGROUND CHECK CONFIRMATION FORM. (a) Before a law enforcement agency may hire a person licensed under this chapter, the agency head or the agency head's designee must:

(1)  make a request to the commission for any employment termination report and regarding the person that is maintained by the commission under this subchapter; and

(2)  submit to the commission on the form prescribed by the commission confirmation that the agency:

(A)  conducted in the manner prescribed by the commission a criminal background check regarding the person;

(B)  obtained the person's written consent on a form prescribed by the commission for the agency to view the person's employment records;

(C)  obtained from the commission any service or education records regarding the person maintained by the commission; and

(D)  contacted each of the person's previous law enforcement employers.

(a-1)  A law enforcement agency that obtains a consent form described by Subsection (a)(2)(B) shall make the person's employment records available to a hiring law enforcement agency on request, including by secure electronic means. The receiving agency of the employment records must maintain their confidentiality.

(b)  The commission by rule shall establish a system for verifying an electronically submitted request required by Subsection (a)(1).

(c)  If the commission receives from a law enforcement agency a request that complies with Subsections (a)(1) and (b), the commission employee having the responsibility to maintain any employment termination report regarding the person who is the subject of the request shall release the report to the agency.

SECTION 2.  This Act takes effect September 1, 2021.