

By: A. Johnson of Harris

H.B. No. 4409

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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