

By: Deshotel

H.B. No. 4468

A BILL TO BE ENTITLED

AN ACT

relating to certain grounds for revocation of a peace officer license.

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

SECTION 1. The heading to Subchapter K, Chapter 1701, Occupations Code, is amended to read as follows:

SUBCHAPTER K. DISCIPLINARY GROUNDS AND PROCEDURES

SECTION 2. Subchapter K, Chapter 1701, Occupations Code, is amended by adding Section 1701.5015 and 1701.5016 to read as follows:

Sec. 1701.5015. CERTAIN GROUNDS FOR REVOCATION OF PEACE OFFICER LICENSE. (a) The commission shall revoke the license of a peace officer if the commission determines that the officer:

(1) has participated in a riot or an insurrection against the United States or this state; or

(2) has been convicted of an offense under Section 557.001, 557.011, or 557.012, Government Code, or Section 42.02, Penal Code.

(b) A person whose license has been revoked under this section is disqualified from receiving any license issued under this chapter.

Sec. 1701.5016. 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

1 determination by the commission that the license holder's continued
2 performance of duties as an officer constitutes a threat to the
3 public welfare.

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

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

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

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

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

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

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

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

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

26 (5) discriminatory conduct, including engaging in a
27 course of conduct or a single egregious act, based on the race,

1 color, religion, sex, pregnancy, national origin, age, disability,
2 or sexual orientation of another that would cause a reasonable
3 person to believe the license holder is unable to perform the
4 license holder's duties as an officer in a fair manner; or

5 (6) conduct indicating a pattern of:

6 (A) excessive use of force;

7 (B) abuse of official capacity;

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

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

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

15 SECTION 3. Not later than January 1, 2022, the Texas
16 Commission on Law Enforcement shall adopt the rules required by
17 Section 1701.5015 and 1701.5016, Occupations Code, as added by this
18 Act.

19 SECTION 4. Section 1701.5015 and 1701.5016, Occupations
20 Code, as added by this Act, applies only to conduct that occurs on
21 or after January 1, 2022. Conduct that occurs before January 1,
22 2022, is governed by the law in effect immediately before the
23 effective date of this Act, and the former law is continued in
24 effect for that purpose.

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