

By: Huffman

S.B. No. 24

A BILL TO BE ENTITLED

AN ACT

relating to the procedures required before a law enforcement agency hires a peace officer.

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

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

SUBCHAPTER J. EMPLOYMENT RECORDS AND PREEMPLOYMENT PROCEDURE

SECTION 2. The heading to Section 1701.451, Occupations Code, is amended to read as follows:

Sec. 1701.451. PREEMPLOYMENT PROCEDURE: NON-PEACE OFFICER POSITIONS [~~REQUEST FOR EMPLOYMENT TERMINATION REPORT AND SUBMISSION OF BACKGROUND CHECK CONFIRMATION FORM~~].

SECTION 3. Section 1701.451(a), Occupations Code, is amended to read as follows:

(a) Before a law enforcement agency may hire a person licensed under this chapter for a position other than a peace officer position, the agency head or the agency head's designee must:

(1) make a request to the commission for any employment termination report 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

1 commission a criminal background check regarding the person;

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

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

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

10 SECTION 4. Subchapter J, Chapter 1701, Occupations Code, is
11 amended by adding Section 1701.4511 to read as follows:

12 Sec. 1701.4511. PREEMPLOYMENT PROCEDURE: PEACE OFFICER
13 POSITIONS. (a) Before a law enforcement agency may hire a person
14 licensed under this chapter for a peace officer position, the
15 agency shall:

16 (1) obtain the officer's written consent, on a form and
17 in the manner prescribed by the commission, for the agency to review
18 the information required to be reviewed under this section;

19 (2) request from the commission and any other
20 applicable person, on a form and in the manner prescribed by the
21 commission, information required to be reviewed under this section;
22 and

23 (3) submit to the commission, on a form and in the
24 manner prescribed by the commission, confirmation that the agency,
25 to the best of the agency's ability before hiring the person:

26 (A) contacted each entity or individual
27 necessary to obtain the information required to be reviewed under

1 this section; and
2 (B) except as provided by Subsection (b),
3 obtained and reviewed as related to the officer, as applicable:
4 (i) personnel files and other employee
5 records from each previous law enforcement agency employer,
6 including the employment application submitted to the previous
7 employer;
8 (ii) employment termination reports
9 maintained by the commission under this subchapter;
10 (iii) service records maintained by the
11 commission;
12 (iv) proof that the officer meets the
13 minimum qualifications for enrollment in a peace officer training
14 program under Section 1701.255(c);
15 (v) a military veteran's Department of
16 Defense Form DD-214 or other military discharge record;
17 (vi) criminal history record information;
18 (vii) information on pending warrants as
19 available through the Texas Crime Information Center and National
20 Crime Information Center;
21 (viii) evidence of financial
22 responsibility as required by Section 601.051, Transportation
23 Code;
24 (ix) a driving record from the Department
25 of Public Safety;
26 (x) claim history for claims made against
27 automobile insurance policies;

1 (xi) the officer's social media activity;
2 (xii) proof of U.S. citizenship; and
3 (xiii) information on the officer's
4 background from at least three personal references and at least two
5 professional references.

6 (b) If an entity or individual contacted for information
7 required to be reviewed under this section refused to provide the
8 information or did not respond to the request for information, the
9 confirmation submitted to the commission must document the manner
10 of the request and the refusal or lack of response.

11 (c) If the commission or a law enforcement agency receives a
12 request for information and the officer's consent on the forms and
13 in the manner prescribed by the commission, the commission or
14 agency shall provide the information.

15 (d) Information submitted to the commission on a
16 confirmation form under this section is not confidential and is
17 subject to disclosure under Chapter 552, Government Code.

18 (e) The commission shall:

19 (1) by rule establish the forms and procedures
20 required by this section;

21 (2) post the forms and procedures on the commission's
22 Internet website; and

23 (3) retain a record of each confirmation form
24 submitted under this section.

25 (f) The head of a law enforcement agency shall review and
26 sign each confirmation form required under this section before
27 submission to the commission. The failure of an agency head to

1 comply with this subsection constitutes grounds for suspension of
2 the agency head's license under Section 1701.501.

3 SECTION 5. Section 1701.456(b), Occupations Code, is
4 amended to read as follows:

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

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

9 (2) making a person's information available to a
10 hiring law enforcement agency under Section 1701.4511.

11 SECTION 6. (a) Not later than January 1, 2022, the Texas
12 Commission on Law Enforcement shall adopt the rules necessary to
13 implement Section 1701.4511, Occupations Code, as added by this
14 Act.

15 (b) The changes in law made by this Act apply only to the
16 hiring of a person by a law enforcement agency that occurs on or
17 after January 1, 2022. The hiring of a person by a law enforcement
18 agency that occurs before that date is governed by the law in effect
19 immediately before the effective date of this Act, and the former
20 law is continued in effect for that purpose.

21 SECTION 7. This Act takes effect September 1, 2021.