

By: Menéndez

S.B. No. 2055

A BILL TO BE ENTITLED

AN ACT

relating to a Texas Commission on Law Enforcement database concerning peace officer misconduct.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1397 to read as follows:

Art. 2.1397. DUTIES OF LAW ENFORCEMENT AGENCY REGARDING PEACE OFFICER MISCONDUCT. (a) In this article, "law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) A law enforcement agency that takes disciplinary action against a peace officer for misconduct shall promptly report the misconduct and disciplinary action taken to the Texas Commission on Law Enforcement for inclusion in the database established under Section 1701.165, Occupations Code.

SECTION 2. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.165 to read as follows:

Sec. 1701.165. DATABASE OF PEACE OFFICER MISCONDUCT. (a) The commission shall establish a database for information concerning peace officers who have been disciplined by a law enforcement agency for misconduct.

(b) The commission shall include reports received under Article 2.1397, Code of Criminal Procedure, in the database and

1 make the database accessible by law enforcement agencies in this
2 state.

3 SECTION 3. The heading to Section 1701.451, Occupations
4 Code, is amended to read as follows:

5 Sec. 1701.451. DUTIES OF LAW ENFORCEMENT AGENCY SEEKING TO
6 HIRE LICENSE HOLDER [~~PREEMPLOYMENT REQUEST FOR EMPLOYMENT~~
7 ~~TERMINATION REPORT AND SUBMISSION OF BACKGROUND CHECK CONFIRMATION~~
8 ~~FORM~~].

9 SECTION 4. Section 1701.451(a), Occupations Code, is
10 amended to read as follows:

11 (a) Before a law enforcement agency may hire a person
12 licensed under this chapter, the agency head or the agency head's
13 designee must:

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

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

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

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

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

27 (D) contacted each of the person's previous law

1 enforcement employers; and

2 (3) review any information regarding the person that
3 is maintained in the database under Section 1701.165.

4 SECTION 5. Not later than January 1, 2022, the Texas
5 Commission on Law Enforcement shall establish the database required
6 by Section 1701.165, Occupations Code, as added by this Act.

7 SECTION 6. Section 1701.451(a), Occupations Code, as
8 amended by this Act, applies only with respect to a person hired on
9 or after January 1, 2022. A person hired before January 1, 2022, is
10 governed by the law in effect immediately before the effective date
11 of this Act, and the former law is continued in effect for that
12 purpose.

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