

BILL ANALYSIS

C.S.H.B. 1076
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Police departments across the country and the state are facing staffing shortages and hiring difficulties, including low recruitment and retention rates. As departments struggle to fill open positions, they are mandating overtime and asking current officers to take on extra roles, further straining the police forces' capacities. Moreover, with limited officers on patrol, many communities are facing longer wait times in response to 9-1-1 calls. Under current state law, before hiring an individual as a peace officer, a law enforcement agency must obtain proof of citizenship. C.S.H.B. 1076 seeks to address the increased need for peace officers by allowing political subdivisions to appoint or employ legal permanent residents who are licensed by the Texas Commission on Law Enforcement and who intend to apply for U.S. citizenship.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1076 amends the Local Government Code to authorize a political subdivision that appoints or employs peace officers to appoint or employ a legal permanent U.S. resident as a peace officer if the person submits an affidavit to the political subdivision in a form prescribed by the Texas Commission on Law Enforcement (TCOLE) affirming the person's intent to apply for U.S. citizenship not later than six months after the date the person becomes eligible to do so.

C.S.H.B. 1076 amends the Occupations Code to require TCOLE to issue a peace officer license to a person who is a legal permanent U.S. resident if the person meets the applicable licensing requirements and TCOLE's rules for the license. The bill requires TCOLE to prescribe a form for such a person to affirm their intent to apply for U.S. citizenship not later than six months after the date the person becomes eligible to do so. The bill revises the preemployment procedures for law enforcement agencies to require an agency seeking to hire a legal permanent U.S. resident as a law enforcement officer on or after December 1, 2023, to submit to TCOLE before hiring the officer confirmation that the hiring agency, to the best of its ability, obtained and reviewed proof of legal permanent residence and an affidavit affirming the person's intent to apply for U.S. citizenship not later than six months after the date the person becomes eligible to do so. The bill requires TCOLE to amend rules as necessary to comply with these provisions not later than December 1, 2023.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1076 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced authorized a political subdivision that commissions and employs peace officers to commission and employ as such a legal permanent U.S. resident, the substitute extends this authority instead to a political subdivision that appoints or employs peace officers. The substitute includes a provision absent from the introduced conditioning the ability of a legal permanent U.S. resident to be appointed or employed as a peace officer on the person submitting an affidavit affirming their intention to apply for U.S. citizenship not later than six months after the date the person becomes eligible to do so. Accordingly, the substitute includes provisions absent from the introduced that:

- require TCOLE to prescribe a form for a legal permanent U.S. resident to affirm that intention; and
- require a law enforcement agency to submit confirmation to TCOLE before hiring a legal permanent U.S. resident as a law enforcement officer that the agency, to the best of its ability, obtained and reviewed such an affidavit.