88R24116 DRS-D

By:  Neave Criado, Geren, Anchía, Frazier, Vo, H.B. No. 1076

     et al.

Substitute the following for H.B. No. 1076:

By:  Goodwin C.S.H.B. No. 1076

A BILL TO BE ENTITLED

AN ACT

relating to the licensing of certain persons as peace officers by the Texas Commission on Law Enforcement and the hiring of those persons by political subdivisions.

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

SECTION 1.  The heading to Chapter 370, Local Government Code, is amended to read as follows:

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO [~~MUNICIPAL AND COUNTY~~] HEALTH AND PUBLIC SAFETY OF MORE THAN ONE TYPE OF LOCAL GOVERNMENT

SECTION 2.  Chapter 370, Local Government Code, is amended by adding Section 370.007 to read as follows:

Sec. 370.007.  APPOINTING OR EMPLOYING CERTAIN LEGAL PERMANENT RESIDENTS AS PEACE OFFICERS. (a) In this section, "commission" means the Texas Commission on Law Enforcement.

(b)  Notwithstanding any other law, a political subdivision that appoints or employs peace officers may appoint or employ as a peace officer a legal permanent resident of the United States if the person submits an affidavit to the political subdivision in a form prescribed by the commission affirming the person's intent to apply for United States citizenship not later than six months after the date the person becomes eligible to do so.

SECTION 3.  Subchapter G, Chapter 1701, Occupations Code, is amended by adding Section 1701.3095 to read as follows:

Sec. 1701.3095.  LICENSING OF LEGAL PERMANENT RESIDENTS.  (a) The commission shall issue a peace officer license to a person who is a legal permanent resident of the United States if the person meets the requirements of this chapter and the commission's rules for the license.

(b)  The commission shall prescribe a form for a person who is a legal permanent resident of the United States to affirm the person's intent to apply for United States citizenship not later than six months after the date the person becomes eligible to do so.

SECTION 4.  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, the agency must, on a form and in the manner prescribed by the commission:

(1)  obtain the person's written consent for the agency to review the information required to be reviewed under this section;

(2)  request from the commission and any other applicable person information required to be reviewed under this section; and

(3)  submit to the commission confirmation that the agency, to the best of the agency's ability before hiring the person:

(A)  contacted each entity or individual necessary to obtain the information required to be reviewed under this section; and

(B)  except as provided by Subsection (b), obtained and reviewed as related to the person, as applicable:

(i)  personnel files and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer;

(ii)  employment termination reports maintained by the commission under this subchapter;

(iii)  service records maintained by the commission;

(iv)  proof that the person meets the minimum qualifications for enrollment in a training program under Section 1701.251(a);

(v)  a military veteran's United States Department of Defense Form DD-214 or other military discharge record;

(vi)  criminal history record information;

(vii)  information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center;

(viii)  evidence of financial responsibility as required by Section 601.051, Transportation Code;

(ix)  a driving record from the Department of Public Safety;

(x)  proof of United States citizenship or, if the person is a peace officer, proof of legal permanent residence and an affidavit affirming the person's intent to apply for United States citizenship not later than six months after the date the person becomes eligible to do so; and

(xi)  information on the person's background from at least three personal references and at least two professional references.

SECTION 5.  Not later than December 1, 2023, the Texas Commission on Law Enforcement shall amend rules as necessary to comply with Section 1701.3095, Occupations Code, as added by this Act, and Section 1701.451, Occupations Code, as amended by this Act.

SECTION 6.  Section 1701.451, Occupations Code, as amended by this Act, applies only to the hiring of a person by a law enforcement agency that occurs on or after December 1, 2023. The hiring of a person by a law enforcement agency that occurs before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 7.  This Act takes effect September 1, 2023.