

By: Neave Criado, Geren, Anchía, Frazier, Vo,
et al.

H.B. No. 1076

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

By: Goodwin

C.S.H.B. No. 1076

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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

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

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

12 (a) Before a law enforcement agency may hire a person
13 licensed under this chapter, the agency must, on a form and in the
14 manner prescribed by the commission:

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

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

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

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

27 (B) except as provided by Subsection (b),

1 obtained and reviewed as related to the person, as applicable:

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

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

8 (iii) service records maintained by the
9 commission;

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

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

16 (vi) criminal history record information;

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

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

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

25 (x) proof of United States citizenship or,
26 if the person is a peace officer, proof of legal permanent residence
27 and an affidavit affirming the person's intent to apply for United

1 States citizenship not later than six months after the date the
2 person becomes eligible to do so; and

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

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

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

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