

By: Garcia

H.B. No. 3376

A BILL TO BE ENTITLED

AN ACT

relating to psychological and physical examinations required to obtain a license issued by the Texas Commission on Law Enforcement.

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

SECTION 1. Section 1701.306, Occupations Code, is amended to read as follows:

Sec. 1701.306. PSYCHOLOGICAL AND PHYSICAL EXAMINATION. (a) In this section:

(1) "Mental health professional" means a:

(A) psychologist licensed under Chapter 501;

(B) psychiatrist licensed under Subtitle B,

Title 3; or

(C) person licensed under Subtitle I, Title 3,

other than a person described by Paragraph (A), who holds a doctoral degree from an accredited institution of higher education in the field in which the person is licensed.

(2) "Physician" means a person licensed under Subtitle

B, Title 3.

(a-1) The commission may not issue a license to a person unless the person is examined by:

(1) a mental health professional [~~licensed psychologist or by a psychiatrist~~] who declares in writing that the person is in satisfactory psychological and emotional health to serve as the type of officer for which a license is sought; and

1           (2) a ~~[licensed]~~ physician who declares in writing  
2 that the person does not show any trace of drug dependency or  
3 illegal drug use after a blood test or other medical test.

4           (b) An agency hiring a person for whom a license is sought  
5 shall select the examining physician and the examining mental  
6 health professional ~~[psychologist or psychiatrist]~~. The agency  
7 shall prepare a report of each declaration required by Subsection  
8 (a-1) ~~[(a)]~~ and shall maintain a copy of the report on file in a  
9 format readily accessible to the commission. A declaration is not  
10 public information.

11           (c) The commission shall adopt rules that:

12                 (1) relate to appropriate standards and measures to be  
13 used by a law enforcement agency in reporting the declarations made  
14 under Subsection (a-1) ~~[(a)]~~; and

15                 (2) provide for exceptional circumstances in the  
16 administration of the examination of the applicant's psychological  
17 and emotional health, including permitting the examination to be  
18 made by a qualified ~~[licensed]~~ physician instead of a mental health  
19 professional ~~[psychologist or psychiatrist]~~.

20           (d) The commission may order an applicant to submit to an  
21 examination described by Subsection (a-1) ~~[(a)]~~ by a mental health  
22 professional ~~[psychologist, psychiatrist]~~ or physician appointed  
23 by the commission if the commission:

24                 (1) has cause to believe that a law enforcement agency  
25 failed to follow commission rules relating to an examination; or

26                 (2) discovers that the applicant has submitted a false  
27 declaration.

1           SECTION 2. The changes in law made by this Act to Section  
2   1701.306, Occupations Code, apply to a license for which an  
3   application is filed under Chapter 1701, Occupations Code, on or  
4   after the effective date of this Act. An application for a license  
5   filed under Chapter 1701, Occupations Code, before the effective  
6   date of this Act is governed by the law in effect on the date the  
7   application was filed, and the former law is continued in effect for  
8   that purpose.

9           SECTION 3. This Act takes effect September 1, 2023.