

By: Johnson

S.B. No. 376

A BILL TO BE ENTITLED

AN ACT

relating to hiring and licensing certain persons as peace officers.

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. COMMISSIONING AND EMPLOYING CERTAIN PERSONS AS PEACE OFFICERS. Notwithstanding any other law, a political subdivision that commissions and employs peace officers may commission and employ as a peace officer a legal permanent resident of the United States.

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. 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.

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, legal permanent residence; 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

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1 effective date of this Act, and the former law is continued in  
2 effect for that purpose.

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