

By: Paxton, et al.

S.B. No. 1445

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Commission on Law Enforcement.

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

SECTION 1. Section 1701.001, Occupations Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Misconduct" means a violation of law or of a law enforcement agency policy by a license holder for which the law enforcement agency employing the license holder may take disciplinary action.

SECTION 2. Section 1701.002, Occupations Code, is amended to read as follows:

Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas Commission on Law Enforcement is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2031 [~~2023~~].

SECTION 3. Section 1701.059, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing [~~legislation that created the~~]  
commission operations;

1           (2) the programs, functions, rules, and budget of the  
2 commission;

3           (3) the scope of and limitations on the rulemaking  
4 authority of the commission;

5           (4) the results of the most recent formal audit of the  
6 commission;

7           (5) [~~(4)~~] the requirements of:

8                   (A) laws relating to open meetings, public  
9 information, administrative procedure, and disclosing conflicts of  
10 interest; and

11                   (B) other laws applicable to members of a state  
12 policy-making body in performing their duties; and

13           (6) [~~(5)~~] any applicable ethics policies adopted by  
14 the commission or the Texas Ethics Commission.

15           (d) The executive director of the commission shall create a  
16 training manual that includes the information required by  
17 Subsection (b). The executive director shall distribute a copy of  
18 the training manual annually to each member of the commission. Each  
19 commission member shall sign and submit to the executive director a  
20 statement acknowledging that the member received and has reviewed  
21 the training manual.

22           SECTION 4. Section 1701.151, Occupations Code, is amended  
23 to read as follows:

24           Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING  
25 AUTHORITY. The commission may:

26           (1) adopt rules for the administration of this chapter  
27 and for the commission's internal management and control;

1           (2) establish minimum standards relating to  
2 competence and reliability, including education, training,  
3 physical, and mental[, ~~and moral~~] standards, for licensing as an  
4 officer, county jailer, public security officer, or  
5 telecommunicator;

6           (3) report to the governor and legislature on the  
7 commission's activities, with recommendations on matters under the  
8 commission's jurisdiction, and make other reports that the  
9 commission considers desirable;

10           (4) require a state agency or a county, special  
11 district, or municipality in this state that employs officers,  
12 telecommunicators, or county jailers to submit reports and  
13 information;

14           (5) contract as the commission considers necessary for  
15 services, facilities, studies, and reports required for:

16                   (A) cooperation with municipal, county, special  
17 district, state, and federal law enforcement agencies in training  
18 programs; and

19                   (B) performance of the commission's other  
20 functions; and

21           (6) conduct research and stimulate research by public  
22 and private agencies to improve law enforcement and police  
23 administration.

24           SECTION 5. Section 1701.163, Occupations Code, is amended  
25 to read as follows:

26           Sec. 1701.163. MINIMUM STANDARDS FOR LAW ENFORCEMENT  
27 AGENCIES [~~INFORMATION PROVIDED BY COMMISSIONING ENTITIES~~]. [~~(a)~~]

1 ~~This section applies only to an entity authorized by statute or by~~  
2 ~~the constitution to create a law enforcement agency or police~~  
3 ~~department and commission, appoint, or employ officers that first~~  
4 ~~creates a law enforcement agency or police department and first~~  
5 ~~begins to commission, appoint, or employ officers on or after~~  
6 ~~September 1, 2009.~~

7       ~~[(b)]~~ The ~~[entity shall submit to the]~~ commission, with  
8 input from an advisory committee, shall by rule establish minimum  
9 standards with respect to the creation or operation of a law  
10 enforcement agency, including ~~[on creation of the law enforcement~~  
11 ~~agency or police department information regarding]:~~

12           (1) a determination regarding the need for and public  
13 benefit of creating the ~~[law enforcement]~~ agency ~~[or police~~  
14 ~~department]~~ in the community;

15           (2) the sustainable funding sources for the ~~[law~~  
16 ~~enforcement]~~ agency ~~[or police department];~~

17           (3) the physical resources available to officers,  
18 which may differ based on the size of the law enforcement agency,  
19 including:

20                   (A) duty firearms, including patrol rifles and  
21 shotguns;

22                   (B) less lethal force weapons, including a  
23 requirement of at least one per officer on duty;

24                   (C) effective communications equipment;

25                   (D) protective equipment, including a  
26 requirement of at least one protective vest per officer on duty;

27                   (E) officer uniforms; and

1                    (F) patrol vehicles and associated equipment;

2            (4) the physical facilities of ~~[that]~~ the ~~[law~~  
3 ~~enforcement]~~ agency ~~[or police department will operate]~~, including  
4 any ~~[descriptions of the]~~ evidence room, dispatch area, or ~~[and]~~  
5 public area;

6            (5) the ~~[law enforcement]~~ policies of the ~~[law~~  
7 ~~enforcement]~~ agency ~~[or police department]~~, including policies on:

8                    (A) use of force;

9                    (B) vehicle pursuit;

10                  (C) professional conduct of officers;

11                  (D) domestic abuse protocols;

12                  (E) response to missing persons;

13                  (F) supervision of part-time officers; ~~[and]~~

14                  (G) impartial policing;

15                  (H) active shooters; and

16                  (I) barricaded subjects;

17            (6) the administrative structure of the ~~[law~~  
18 ~~enforcement]~~ agency ~~[or police department]~~;

19            (7) liability insurance; and

20            (8) any other standard ~~[information]~~ the commission  
21 considers necessary ~~[requires by rule]~~.

22            SECTION 6. Subchapter D, Chapter 1701, Occupations Code, is  
23 amended by adding Sections 1701.165, 1701.166, 1701.167, 1701.168,  
24 and 1701.169 to read as follows:

25            Sec. 1701.165. ADVISORY COMMITTEES. (a) The commission by  
26 rule may establish advisory committees to make recommendations to  
27 the commission on programs, rules, and policies administered by the

1 commission.

2 (b) In establishing an advisory committee under this  
3 section, the commission shall adopt rules, including rules  
4 regarding:

5 (1) the purpose, role, responsibility, goals, and  
6 duration of the committee;

7 (2) the size of and quorum requirement for the  
8 committee;

9 (3) qualifications for committee membership;

10 (4) appointment procedures for members;

11 (5) terms of service for members;

12 (6) training requirements for members;

13 (7) policies to avoid conflicts of interest by  
14 members;

15 (8) a periodic review process to evaluate the  
16 continuing need for the committee; and

17 (9) policies to ensure the committee does not violate  
18 any provision of Chapter 551, Government Code, applicable to the  
19 commission or the committee.

20 Sec. 1701.166. SUBPOENA. (a) The commission may compel by  
21 subpoena the production for inspection or copying of a record  
22 described by Section 1701.162(a) that is relevant to the  
23 investigation of an alleged violation of this chapter or a  
24 commission rule.

25 (b) The commission, acting through the attorney general,  
26 may bring an action to enforce a subpoena issued under Subsection  
27 (a) against a person who fails to comply with the subpoena.

1        (c) Venue for an action brought under Subsection (b) is in a  
2 district court in:

3            (1) Travis County; or

4            (2) any county in which the commission may conduct a  
5 hearing.

6        (d) The court shall order compliance with the subpoena if  
7 the court finds that good cause exists to issue the subpoena.

8        Sec. 1701.167. EXAMINATION OF LICENSE HOLDER. (a) The  
9 commission, with input from an advisory committee, shall adopt a  
10 model policy prescribing standards and procedures for the medical  
11 and psychological examination of a license holder to ensure the  
12 license holder is able to perform the duties for which the license  
13 is required.

14        (b) Each law enforcement agency in this state shall adopt  
15 the model policy described by Subsection (a) or a substantively  
16 similar policy. A policy adopted by a law enforcement agency under  
17 this section must be submitted to the commission, and the  
18 commission shall maintain a copy of the policy.

19        (c) If a license holder refuses to submit to an examination  
20 required by a policy adopted under Subsection (b), the law  
21 enforcement agency that employs the license holder shall notify the  
22 commission of the refusal. The commission shall issue an order  
23 requiring the license holder to show cause for the license holder's  
24 refusal at a hearing on the order scheduled for not later than the  
25 30th day after the date notice is served on the license holder. The  
26 commission shall provide notice under this section by personal  
27 service or by registered mail, return receipt requested.

1       (d) At the hearing, the license holder may appear in person  
2 and by counsel and present evidence to justify the license holder's  
3 refusal to submit to examination. After the hearing, the  
4 commission shall issue an order requiring the license holder to  
5 submit to an examination under this section or withdrawing the  
6 request for the examination.

7       (e) Unless the request is withdrawn, the commission may  
8 suspend or otherwise restrict the license of a license holder who  
9 refuses to submit to the examination.

10       (f) An appeal from the commission's order under this section  
11 is governed by Chapter 2001, Government Code.

12       (g) If the results of an examination under this section show  
13 that the license holder does not meet the standards of the policy  
14 adopted under Subsection (b), the commission shall suspend the  
15 license holder's license.

16       (h) Records relating to a request or order of the commission  
17 or a hearing or examination conducted under this section,  
18 including, if applicable, the identity of the person notifying the  
19 commission that a license holder may not meet the standards  
20 required by the policy adopted under Subsection (b), are  
21 confidential and not subject to disclosure under Chapter 552,  
22 Government Code.

23       (i) An order issued by the commission regarding a license  
24 holder that is based on information obtained during an examination  
25 under this section may only reference the statutory basis for the  
26 order and may not disclose the reason for the examination.

27       Sec. 1701.168. LICENSING STATUS DATABASE. (a) The



1 commission shall establish a database containing, for each officer  
2 licensed under this chapter:

3 (1) the officer's license status, including a record  
4 of any action taken against the officer by the commission; and

5 (2) personnel files provided by each law enforcement  
6 agency that employs the officer, including a record of any  
7 investigation into alleged misconduct and any disciplinary action  
8 taken against the officer by the agency.

9 (b) The commission shall make available to a law enforcement  
10 agency on request any relevant information maintained in the  
11 database for purposes of Sections 1701.303 and 1701.451(a).

12 (c) On request of an officer, the commission shall provide  
13 to the officer free of charge any information maintained in the  
14 database regarding the officer, including any information relating  
15 to an investigation of misconduct by a law enforcement agency under  
16 the policy described by Section 1701.4522.

17 (d) Except as provided by Subsections (b) and (c),  
18 information maintained in the database established under this  
19 section is confidential and not subject to disclosure under Chapter  
20 552, Government Code.

21 Sec. 1701.169. LAW ENFORCEMENT DATABASE. The commission  
22 shall designate one or more national law enforcement databases that  
23 a law enforcement agency must access to complete the preemployment  
24 background check required under Sections 1701.303(a), 1701.3035,  
25 and 1701.451(a). A database designated under this section must be  
26 as comprehensive as possible.

27 SECTION 7. Section 1701.202, Occupations Code, is amended

1 by amending Subsection (b) and adding Subsection (d) to read as  
2 follows:

3 (b) Except as provided by Subsection (d), on [On] request, a  
4 license holder is entitled to [may] obtain information regarding a  
5 complaint made against the license holder under this chapter,  
6 including a complete copy of the complaint file. On receipt of a  
7 request under this subsection, the commission shall provide the  
8 requested information in a timely manner to allow the license  
9 holder time to respond to the complaint.

10 (d) The commission is not required to provide the identity  
11 of any nontestifying complainant in response to a request under  
12 Subsection (b).

13 SECTION 8. Section 1701.203(c), Occupations Code, is  
14 amended to read as follows:

15 (c) The commission shall periodically notify the complaint  
16 parties [~~to the complaint~~] of the status of the complaint until  
17 final disposition unless the notice would jeopardize an  
18 investigation.

19 SECTION 9. Subchapter E, Chapter 1701, Occupations Code, is  
20 amended by adding Section 1701.205 to read as follows:

21 Sec. 1701.205. OFFICER PERSONNEL SERVICE REPORTS. (a) The  
22 commission shall establish a public database containing personnel  
23 service reports of each officer licensed under this chapter. A  
24 service report must:

25 (1) include the information required by Subsection  
26 (b); and

27 (2) be compiled in a format that makes the information

1 readily available to the public.

2 (b) Except as otherwise provided by this section, a service  
3 report must contain the following information with respect to each  
4 officer:

5 (1) the date the officer completed the basic training  
6 course;

7 (2) whether the officer is in compliance with  
8 continuing education requirements and the continuing education  
9 courses completed;

10 (3) the total hours of training the officer has  
11 completed; and

12 (4) the date the officer's license was issued.

13 (c) The commission shall adopt rules to exclude from the  
14 database personnel service reports for certain officers if  
15 including the service report would create a safety risk for the  
16 officer based on the officer's position or duties, including the  
17 service reports of undercover officers and officers involved in  
18 active narcotics operations. Rules adopted under this section must  
19 allow a law enforcement agency to request, in a manner prescribed by  
20 the commission, the service report of an undercover officer  
21 employed by the agency to be excluded from the database. An excluded  
22 personnel service report and a request to exclude an officer's  
23 personnel service report under this section are confidential and  
24 not subject to disclosure under Chapter 552, Government Code.

25 SECTION 10. Section 1701.253, Occupations Code, is amended  
26 by adding Subsection (a-1) and amending Subsections (g), (h), (i),  
27 (j), (l), (m), (o), and (p) to read as follows:

1        (a-1) The commission by rule shall establish deadlines for  
2 an officer to complete any minimum curriculum requirements that are  
3 not completed as part of the officer's basic training course.

4        (g) As part of the minimum curriculum requirements, the  
5 commission shall establish a statewide comprehensive education and  
6 training program on asset forfeiture under Chapter 59, Code of  
7 Criminal Procedure, for officers licensed under this chapter. [~~An~~  
8 ~~officer shall complete a program established under this subsection~~  
9 ~~not later than the second anniversary of the date the officer is~~  
10 ~~licensed under this chapter or the date the officer applies for an~~  
11 ~~intermediate proficiency certificate, whichever date is earlier.]~~

12        (h) As part of the minimum curriculum requirements, the  
13 commission shall establish a statewide comprehensive education and  
14 training program on racial profiling for officers licensed under  
15 this chapter. [~~An officer shall complete a program established~~  
16 ~~under this subsection not later than the second anniversary of the~~  
17 ~~date the officer is licensed under this chapter or the date the~~  
18 ~~officer applies for an intermediate proficiency certificate,~~  
19 ~~whichever date is earlier.]~~

20        (i) As part of the minimum curriculum requirements, the  
21 commission shall establish a statewide comprehensive education and  
22 training program on identity theft under Section 32.51, Penal Code,  
23 for officers licensed under this chapter. [~~An officer shall~~  
24 ~~complete a program established under this subsection not later than~~  
25 ~~the second anniversary of the date the officer is licensed under~~  
26 ~~this chapter or the date the officer applies for an intermediate~~  
27 ~~proficiency certificate, whichever date is earlier.]~~

1           (j) As part of the minimum curriculum requirements, the  
2 commission shall require an officer to complete a 40-hour statewide  
3 education and training program on de-escalation and crisis  
4 intervention techniques to facilitate interaction with persons  
5 with mental impairments. ~~[An officer shall complete the program  
6 not later than the second anniversary of the date the officer is  
7 licensed under this chapter or the date the officer applies for an  
8 intermediate proficiency certificate, whichever date is earlier.]~~  
9 An officer may not satisfy the requirements of this subsection or  
10 Section 1701.402(g) by taking an online course on de-escalation and  
11 crisis intervention techniques to facilitate interaction with  
12 persons with mental impairments.

13           (l) As part of the minimum curriculum requirements, the  
14 commission shall require an officer licensed by the commission on  
15 or after January 1, 2016, to complete a canine encounter training  
16 program established by the commission under Section 1701.261. ~~[An  
17 officer shall complete the program not later than the second  
18 anniversary of the date the officer is licensed under this chapter  
19 unless the officer completes the program as part of the officer's  
20 basic training course.]~~

21           (m) As part of the minimum curriculum requirements, the  
22 commission shall establish a statewide comprehensive education and  
23 training program on procedures for interacting with drivers who are  
24 deaf or hard of hearing, as defined by Section 81.001, Human  
25 Resources Code, including identifying specialty license plates  
26 issued to individuals who are deaf or hard of hearing under Section  
27 504.204, Transportation Code. ~~[An officer shall complete a program~~

1 ~~established under this subsection not later than the second~~  
2 ~~anniversary of the date the officer is licensed under this chapter~~  
3 ~~or the date the officer applies for an intermediate proficiency~~  
4 ~~certificate, whichever date is earlier.]~~

5 (o) As part of the minimum curriculum requirements, the  
6 commission shall require an officer to complete the civilian  
7 interaction training program developed under Section 1701.268. [~~An~~  
8 ~~officer shall complete the program not later than the second~~  
9 ~~anniversary of the date the officer is licensed under this chapter~~  
10 ~~unless the officer completes the program as part of the officer's~~  
11 ~~basic training course.]~~

12 (p) As part of the minimum curriculum requirements, the  
13 commission shall require an officer to complete the basic education  
14 and training program on the trafficking of persons developed under  
15 Section 1701.258(a). [~~An officer shall complete the program not~~  
16 ~~later than the second anniversary of the date the officer is~~  
17 ~~licensed under this chapter unless the officer completes the~~  
18 ~~program as part of the officer's basic training course.]~~

19 SECTION 11. Section 1701.303, Occupations Code, is amended  
20 to read as follows:

21 Sec. 1701.303. LICENSE APPLICATION; DUTIES OF APPOINTING  
22 ENTITY. (a) Before a [A] law enforcement agency or governmental  
23 entity [that] hires a person for whom a license is sought, the  
24 agency or entity must:

25 (1) review any information relating to the person  
26 available:

27 (A) in a database established under Section

1 1701.168;

2 (B) in a database designated under Section  
3 1701.169; and

4 (C) if applicable, in a file provided to the  
5 commission under Section 1701.3035; and

6 (2) file an application with the commission as  
7 provided by commission rule.

8 (b) A person who appoints an officer or county jailer  
9 licensed by the commission shall notify the commission not later  
10 than the 30th day after the date of the appointment. If the person  
11 appoints an individual who previously served as an officer or  
12 county jailer and the appointment occurs after the 180th day after  
13 the last date of service as an officer or county jailer, the person  
14 must have on file for the license holder [~~officer or county jailer~~]  
15 in a form readily accessible to the commission:

16 (1) new criminal history record information;

17 (2) a new declaration of psychological and emotional  
18 health and lack of drug dependency or illegal drug use; and

19 (3) new documentation that the license holder has been  
20 fingerprinted and subjected to a search of local, state, and  
21 national records and fingerprint files to disclose any criminal  
22 record of the license holder [~~two completed fingerprint cards~~].

23 (c) A person who appoints or employs a telecommunicator  
24 licensed by the commission shall notify the commission not later  
25 than the 30th day after the date of the appointment or employment.  
26 If the person appoints or employs an individual who previously  
27 served as a telecommunicator and the appointment or employment

1 occurs after the 180th day after the last date of service as a  
2 telecommunicator, the person must have on file in a form readily  
3 accessible to the commission:

- 4 (1) new criminal history record information; and
- 5 (2) new documentation that the license holder has been  
6 fingerprinted and subjected to a search of local, state, and  
7 national records and fingerprint files to disclose any criminal  
8 record of the license holder [~~two completed fingerprint cards~~].

9 SECTION 12. Subchapter G, Chapter 1701, Occupations Code,  
10 is amended by adding Section 1701.3035 to read as follows:

11 Sec. 1701.3035. OUT-OF-STATE LICENSE HOLDERS. (a) Before  
12 issuing an officer license under this chapter to an applicant who  
13 holds or previously held an equivalent license in another state,  
14 the commission must request from the licensing authority of the  
15 other state the personnel file and any other relevant record  
16 regarding the applicant.

17 (b) An applicant for an officer license may not be denied a  
18 license for the sole reason that the licensing authority of another  
19 state did not provide a record requested by the commission under  
20 this section.

21 SECTION 13. Section 1701.404(b), Occupations Code, is  
22 amended to read as follows:

23 (b) The commission may certify a sheriff, sheriff's deputy,  
24 constable, other peace officer, county jailer, or justice of the  
25 peace as a special officer for offenders with mental impairments if  
26 the person:

- 27 (1) completes a training course in emergency first aid



1 and lifesaving techniques approved by the commission;

2 (2) completes a training course administered by the  
3 commission on mental health issues and offenders with mental  
4 impairments; and

5 (3) passes an examination administered by the  
6 commission that is designed to test the person's:

7 (A) knowledge and recognition of the  
8 characteristics and symptoms of mental illness, intellectual  
9 disabilities [~~mental retardation~~], and developmental [~~mental~~]  
10 disabilities; and

11 (B) knowledge of mental health crisis  
12 intervention strategies for people with mental impairments.

13 SECTION 14. Section [1701.451\(a\)](#), Occupations Code, is  
14 amended to read as follows:

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

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

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

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

27 (A) contacted each entity or individual

1 necessary to obtain the information required to be reviewed under  
2 this section; and

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

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

9 (ii) employment termination reports and  
10 misconduct investigation reports maintained by the commission  
11 under this subchapter;

12 (iii) service records maintained by the  
13 commission;

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

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

20 (vi) criminal history record information;

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

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

27 (ix) a driving record from the Department

1 of Public Safety;

2 (x) proof of United States citizenship;

3 [~~and~~]

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

7 (xii) information on the person's law  
8 enforcement background as available through a database designated  
9 by the commission under Section 1701.169 and, if applicable, a file  
10 or record obtained by the commission under Section 1701.3035.

11 SECTION 15. Subchapter J, Chapter 1701, Occupations Code,  
12 is amended by adding Section 1701.4522 to read as follows:

13 Sec. 1701.4522. MISCONDUCT INVESTIGATION AND HIRING  
14 PROCEDURES. (a) The commission shall adopt a model policy  
15 establishing procedures applicable to a law enforcement agency:

16 (1) investigating alleged misconduct by a license  
17 holder employed by the agency; and

18 (2) hiring a license holder.

19 (b) The policy established under this section must:

20 (1) require a law enforcement agency to:

21 (A) conduct and complete an appropriate criminal  
22 or administrative investigation into any alleged misconduct of a  
23 license holder employed by the agency at the time of the alleged  
24 misconduct;

25 (B) report a criminal investigation into alleged  
26 misconduct to the commission in a timely manner after the  
27 investigation is commenced;

1           (C) complete an administrative investigation of  
2 alleged misconduct and prepare and submit to the commission a  
3 report on the investigation in a timely manner but not later than  
4 the 10th business day after the date of the license holder's  
5 separation from the agency, if applicable;

6           (D) include a report of the completed  
7 investigation in the personnel file of the license holder  
8 maintained by the agency; and

9           (E) submit to the commission each report of a  
10 completed investigation;

11           (2) provide that an investigation into the alleged  
12 misconduct of a license holder may not be terminated by the  
13 resignation, retirement, termination, death, or separation from  
14 employment of the license holder;

15           (3) specify that a license holder under investigation  
16 for misconduct is entitled to any internal due process procedures  
17 provided by the investigating agency to contest the investigation  
18 or completed report;

19           (4) require a law enforcement agency to request and  
20 review any information regarding an applicant for employment  
21 maintained by the commission in the licensing status database  
22 established under Section 1701.168 as part of the preemployment  
23 procedures required under Section 1701.451(a); and

24           (5) establish a provisional hiring period of 30 days  
25 for any license holder employed by a law enforcement agency and  
26 allow a law enforcement agency to terminate the employment of the  
27 license holder if information relating to an investigation of

1 alleged misconduct by the license holder is made available to the  
2 agency by the commission as part of the preemployment procedures  
3 required under Section 1701.451(a) within the provisional period.

4 (c) A law enforcement agency shall adopt the model policy  
5 described by Subsection (a) or a substantively similar policy. A  
6 policy adopted by a law enforcement agency under this section must  
7 be submitted to the commission and the commission shall maintain a  
8 copy of the policy.

9 (d) The commission shall maintain each report received  
10 under a policy adopted under this section as part of the license  
11 holder's record in the licensing status database established under  
12 Section 1701.168.

13 SECTION 16. Section 1701.453, Occupations Code, is amended  
14 to read as follows:

15 Sec. 1701.453. MAINTENANCE OF REPORTS [~~AND STATEMENTS~~].  
16 The commission shall maintain a copy of each report [~~and statement~~]  
17 submitted to the commission under this subchapter until at least  
18 the 10th anniversary of the date on which the report [~~or statement~~]  
19 is submitted.

20 SECTION 17. Section 1701.456(a), Occupations Code, is  
21 amended to read as follows:

22 (a) The commission is not liable for civil damages for  
23 providing information contained in a report [~~or statement~~]  
24 maintained by the commission under this subchapter if the  
25 commission released the information as provided by this subchapter.

26 SECTION 18. The heading to Subchapter K, Chapter 1701,  
27 Occupations Code, is amended to read as follows:

1 SUBCHAPTER K. DISCIPLINARY GROUNDS AND PROCEDURES

2 SECTION 19. Subchapter K, Chapter 1701, Occupations Code,  
3 is amended by adding Section 1701.5011 to read as follows:

4 Sec. 1701.5011. EMERGENCY SUSPENSION. (a) The commission  
5 shall adopt rules specifying the circumstances under which the  
6 commission may issue an emergency order, without a hearing,  
7 suspending a person's license for a period not to exceed 90 days  
8 after determining that the person constitutes an imminent threat to  
9 the public health, safety, or welfare.

10 (b) An order suspending a license under this section must  
11 state the length of the suspension in the order.

12 (c) If an emergency order is issued without a hearing under  
13 this section, the commission shall, not later than the 10th day  
14 after the date the order was issued, set the time and place for a  
15 hearing on the order. The hearing must be conducted as soon as  
16 practicable. A hearing under this section to affirm, modify, or set  
17 aside the emergency order shall be conducted by the State Office of  
18 Administrative Hearings. The order shall be affirmed to the extent  
19 that good cause existed to issue the order.

20 (d) The commission by rule may prescribe procedures for the  
21 determination and appeal of an emergency order issued under this  
22 section, including a rule allowing the commission to affirm,  
23 modify, or set aside a decision made by the State Office of  
24 Administrative Hearings under Subsection (c).

25 (e) A proceeding under this section is a contested case  
26 under Chapter 2001, Government Code.

27 SECTION 20. The following provisions of the Occupations

1 Code are repealed:

2 (1) Sections 1701.452(b) and (c);

3 (2) Section 1701.4521; and

4 (3) Section 1701.4525.

5 SECTION 21. (a) Except as provided by Subsection (b) of  
6 this section, Section 1701.059, Occupations Code, as amended by  
7 this Act, applies to a member of the Texas Commission on Law  
8 Enforcement appointed before, on, or after the effective date of  
9 this Act.

10 (b) A member of the Texas Commission on Law Enforcement who,  
11 before the effective date of this Act, completed the training  
12 program required by Section 1701.059, Occupations Code, as that law  
13 existed before the effective date of this Act, is only required to  
14 complete additional training on the subjects added by this Act to  
15 the training program required by Section 1701.059, Occupations  
16 Code. A commission member described by this subsection may not  
17 vote, deliberate, or be counted as a member in attendance at a  
18 meeting of the commission held on or after December 1, 2023, until  
19 the member completes the additional training.

20 SECTION 22. (a) Not later than March 1, 2024, the Texas  
21 Commission on Law Enforcement shall:

22 (1) adopt rules and update forms as necessary to  
23 implement the changes in law made by this Act to Chapter 1701,  
24 Occupations Code;

25 (2) adopt the model policies required by Sections  
26 1701.167 and 1701.4522, Occupations Code, as added by this Act;

27 (3) establish the licensing status database as

1 required by Section 1701.168, Occupations Code, as added by this  
2 Act; and

3 (4) designate the database as required by Section  
4 1701.169, Occupations Code, as added by this Act.

5 (b) Not later than May 1, 2024, each law enforcement agency  
6 in this state shall adopt the policies required by Sections  
7 1701.167 and 1701.4522, Occupations Code, as added by this Act.

8 (c) Not later than September 1, 2024, the Texas Commission  
9 on Law Enforcement shall establish the database containing officer  
10 personnel service reports as required by Section 1701.205,  
11 Occupations Code, as added by this Act.

12 SECTION 23. Sections 1701.303 and 1701.451(a), Occupations  
13 Code, as amended by this Act, and Section 1701.3035, Occupations  
14 Code, as added by this Act, apply only with respect to a person  
15 hired on or after March 1, 2024. A person hired before March 1,  
16 2024, is governed by the law in effect immediately before the  
17 effective date of this Act, and the former law is continued in  
18 effect for that purpose.

19 SECTION 24. The changes in law made by this Act to  
20 Subchapter J, Chapter 1701, Occupations Code, apply only to a  
21 report required to be submitted under Section 1701.452, Occupations  
22 Code, as amended by this Act, regarding a separation of a license  
23 holder that occurs on or after March 1, 2024. A separation that  
24 occurs before March 1, 2024, is governed by the law in effect  
25 immediately before the effective date of this Act, and the former  
26 law is continued in effect for that purpose.

27 SECTION 25. This Act takes effect September 1, 2023.