

By: Paxton, et al.
(Goldman)

S.B. No. 1445

Substitute the following for S.B. No. 1445:

By: Holland

C.S.S.B. No. 1445

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the continuation and functions of the Texas Commission
3 on Law Enforcement; authorizing a fee.

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

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

7 (2-a) "Misconduct" means:

8 (A) a violation of law; or

9 (B) any of the following that have been sustained
10 by a law enforcement agency employing a license holder:

11 (i) a violation of a law enforcement agency
12 policy for which the agency may suspend, demote, or terminate a
13 license holder's employment; or

14 (ii) an allegation of untruthfulness
15 against a license holder.

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

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

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

1 follows:

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

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

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

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

10 (4) the results of the most recent formal audit of the
11 commission;

12 (5) [~~(4)~~] the requirements of:

13 (A) laws relating to open meetings, public
14 information, administrative procedure, and disclosing conflicts of
15 interest; and

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

18 (6) [~~(5)~~] any applicable ethics policies adopted by
19 the commission or the Texas Ethics Commission.

20 (d) The executive director of the commission shall create a
21 training manual that includes the information required by
22 Subsection (b). The executive director shall distribute a copy of
23 the training manual annually to each member of the commission. Each
24 commission member shall sign and submit to the executive director a
25 statement acknowledging that the member received and has reviewed
26 the training manual.

27 SECTION 4. Section 1701.151, Occupations Code, is amended

1 to read as follows:

2 Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING
3 AUTHORITY. The commission may:

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

6 (2) establish minimum standards relating to
7 competence and reliability, including education, training,
8 physical, and mental~~[, and moral]~~ standards, for licensing as an
9 officer, county jailer, public security officer, or
10 telecommunicator;

11 (3) report to the governor and legislature on the
12 commission's activities, with recommendations on matters under the
13 commission's jurisdiction, and make other reports that the
14 commission considers desirable;

15 (4) require a state agency or a county, special
16 district, or municipality in this state that employs officers,
17 telecommunicators, or county jailers to submit reports and
18 information;

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

21 (A) cooperation with municipal, county, special
22 district, state, and federal law enforcement agencies in training
23 programs; and

24 (B) performance of the commission's other
25 functions; and

26 (6) conduct research and stimulate research by public
27 and private agencies to improve law enforcement and police

1 administration.

2 SECTION 5. Section 1701.163, Occupations Code, is amended
3 to read as follows:

4 Sec. 1701.163. MINIMUM STANDARDS FOR LAW ENFORCEMENT
5 AGENCIES [~~INFORMATION PROVIDED BY COMMISSIONING ENTITIES~~]. [~~(a)~~
6 ~~This section applies only to an entity authorized by statute or by~~
7 ~~the constitution to create a law enforcement agency or police~~
8 ~~department and commission, appoint, or employ officers that first~~
9 ~~creates a law enforcement agency or police department and first~~
10 ~~begins to commission, appoint, or employ officers on or after~~
11 ~~September 1, 2009.~~

12 [~~(b)~~] The [~~entity shall submit to the~~] commission, with
13 input from an advisory committee, shall by rule establish minimum
14 standards with respect to the creation or continued operation of a
15 law enforcement agency based on the function, size, and
16 jurisdiction of the agency, including [~~on creation of the law~~
17 ~~enforcement agency or police department information regarding~~]:

18 (1) a determination regarding the public benefit of
19 creating the [~~need for the law enforcement~~] agency [~~or police~~
20 ~~department~~] in the community;

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

23 (3) the physical resources available to officers,
24 including:

25 (A) all standard duty firearms;

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

1 (C) effective communications equipment;

2 (D) protective equipment, including a
3 requirement of at least one bullet-resistant vest per officer on
4 duty;

5 (E) officer uniforms; and

6 (F) patrol vehicles and associated equipment;

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

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

13 (A) use of force;

14 (B) vehicle pursuit;

15 (C) professional conduct of officers;

16 (D) domestic abuse protocols;

17 (E) response to missing persons;

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

19 (G) impartial policing;

20 (H) active shooters; and

21 (I) barricaded subjects;

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

24 (7) liability insurance; and

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

27 SECTION 6. Subchapter D, Chapter 1701, Occupations Code, is

1 amended by adding Sections 1701.165, 1701.166, 1701.167, 1701.168,
2 1701.169, 1701.170, and 1701.171 to read as follows:

3 Sec. 1701.165. ADVISORY COMMITTEES. (a) The commission by
4 rule may establish advisory committees to make recommendations to
5 the commission on programs, rules, and policies administered by the
6 commission.

7 (b) In establishing an advisory committee under this
8 section, the commission shall adopt rules, including rules
9 regarding:

10 (1) the purpose, role, responsibility, goals, and
11 duration of the committee;

12 (2) the size of and quorum requirement for the
13 committee;

14 (3) qualifications for committee membership;

15 (4) appointment procedures for members;

16 (5) terms of service for members;

17 (6) training requirements for members;

18 (7) policies to avoid conflicts of interest by
19 members;

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

22 (9) policies to ensure the committee does not violate
23 any provision of Chapter 551, Government Code, applicable to the
24 commission or the committee.

25 Sec. 1701.166. SUBPOENA. (a) The commission may compel by
26 subpoena the production for inspection or copying of a record
27 described by Section 1701.162(a) that is relevant to the

1 investigation of an alleged violation of this chapter or a
2 commission rule.

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

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

8 (1) Travis County; or

9 (2) any county in which the commission may conduct a
10 hearing.

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

13 Sec. 1701.167. POLICY REGARDING EXAMINATION OF LICENSE
14 HOLDER OR APPLICANT. (a) The commission, with input from an
15 advisory committee, shall adopt a model policy prescribing
16 standards and procedures for the medical and psychological
17 examination of a license holder or person for whom a license is
18 sought by a law enforcement agency to ensure the license holder or
19 person is able to perform the duties for which the license is
20 required. The model policy must:

21 (1) apply to examinations of:

22 (A) a person to whom Section 1701.306 applies;

23 (B) a person licensed as an officer or county
24 jailer who is appointed as an officer or county jailer after the
25 180th day after the person's last date of service as an officer or
26 county jailer;

27 (C) school marshals, as described by Section

1 1701.260; and

2 (D) a license holder, if ordered by the law
3 enforcement agency employing the license holder for just cause;

4 (2) require, for an examination described by
5 Subdivision (1)(D), that the employing agency:

6 (A) provide to the license holder written notice
7 of the examination that includes the reasons for the examination
8 not later than the 10th business day before the deadline to submit
9 to the examination; and

10 (B) report to the commission, in the manner
11 prescribed by the commission, the refusal of the license holder to
12 submit to the examination within the period provided by Paragraph
13 (A); and

14 (3) require the reporting to the commission, in the
15 manner prescribed by the commission, of a license holder's failed
16 examination, unless the license holder submits to and successfully
17 completes an applicable treatment program within a reasonable time,
18 as prescribed by the commission.

19 (b) Each law enforcement agency in this state shall adopt
20 the model policy described by Subsection (a) or a substantively
21 similar policy. A policy adopted by a law enforcement agency under
22 this section must be submitted to the commission, and the
23 commission shall maintain a copy of the policy.

24 (c) The providing of notice by a law enforcement agency to
25 the commission of a license holder's refusal to submit to an
26 examination does not preclude the agency employing the license
27 holder from taking disciplinary action against the license holder,

1 including termination of the license holder's employment with the
2 agency.

3 (d) The commission shall issue an order requiring a license
4 holder who refuses to submit to an examination required by a policy
5 adopted under Subsection (b) to show cause for the license holder's
6 refusal at a hearing on the order scheduled for not later than the
7 30th day after the date notice is served on the license holder. The
8 commission shall provide notice under this section by personal
9 service or by registered mail, return receipt requested.

10 (e) At the hearing, the license holder may appear in person
11 and by counsel and present evidence to justify the license holder's
12 refusal to submit to examination. After the hearing, the
13 commission shall issue an order requiring the license holder to
14 submit to an examination under this section or withdrawing the
15 request for the examination.

16 (f) Unless the request is withdrawn, the commission may
17 suspend or otherwise restrict the license of a license holder who
18 refuses to submit to the examination.

19 (g) An appeal from the commission's order under this section
20 is governed by Chapter 2001, Government Code.

21 (h) If the results of an examination under this section show
22 that the license holder does not meet the standards of the policy
23 adopted under Subsection (b), the commission shall suspend the
24 license holder's license.

25 (i) Records relating to a request or order of the commission
26 or a hearing or examination conducted under this section,
27 including, if applicable, the identity of the person notifying the

1 commission that a license holder may not meet the standards
2 required by the policy adopted under Subsection (b), are
3 confidential and not subject to disclosure under Chapter 552,
4 Government Code.

5 (j) An order issued by the commission regarding a license
6 holder that is based on information obtained during an examination
7 under this section may only reference the statutory basis for the
8 order and may not disclose the reason for the examination.

9 Sec. 1701.168. LICENSING STATUS DATABASE. (a) The
10 commission shall establish a database containing, for each officer
11 licensed under this chapter:

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

14 (2) personnel files, as described by Section
15 1701.4535, provided by each law enforcement agency that employs the
16 officer.

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

20 (c) On request of an officer, the commission shall provide
21 to the officer free of charge any information maintained in the
22 database regarding the officer, including any information relating
23 to an investigation of misconduct by a law enforcement agency under
24 the policy described by Section 1701.4522.

25 (d) Except as provided by Subsections (b) and (c),
26 information maintained in the database established under this
27 section is confidential and not subject to disclosure under Chapter

1 552, Government Code.

2 Sec. 1701.169. LAW ENFORCEMENT DATABASE. The commission
3 shall designate one or more national law enforcement databases that
4 a law enforcement agency must access to complete the preemployment
5 background check required under Sections 1701.303(a), 1701.3035,
6 and 1701.451(a). A database designated under this section must be
7 as comprehensive as possible.

8 Sec. 1701.170. SUBMISSION OF REVOKED LICENSE TO NATIONAL
9 DATABASE. (a) The commission shall designate for purposes of this
10 section a national database that serves as a registry for the
11 revocation of officer licenses in several jurisdictions based on
12 misconduct committed by the officer.

13 (b) The commission shall submit to the designated database
14 information necessary to create a record in the database for each
15 officer license the commission revokes under Section 1701.501,
16 1701.502, or 1701.503.

17 Sec. 1701.171. STANDARDS OF CONDUCT. (a) The commission
18 shall adopt a model policy prescribing minimum standards of conduct
19 for officers. The policy must:

20 (1) prescribe minimum standards of conduct with
21 respect to:

22 (A) pursuit of a suspect;

23 (B) arrest and control tactics;

24 (C) executing high-risk warrants; and

25 (D) conducting traffic stops, including a
26 uniform standard for conducting a traffic stop for an offense
27 punishable by fine only;

1 (2) establish a process by which a law enforcement
2 agency must investigate alleged misconduct of an officer employed
3 by the agency that is consistent with the model policy adopted under
4 Section 1701.4522; and

5 (3) require a law enforcement agency to report to the
6 commission an officer employed by the agency found to have engaged
7 in egregious misconduct as determined by the commission.

8 (b) Each law enforcement agency in this state shall adopt
9 the model policy described by Subsection (a) or a substantively
10 similar policy. A policy adopted by a law enforcement agency under
11 this section must be submitted to the commission, and the
12 commission shall maintain a copy of the policy.

13 (c) The reporting by a law enforcement agency to the
14 commission of an officer's misconduct under this section does not
15 preclude the agency employing the officer from taking disciplinary
16 action against the officer.

17 (d) The commission may take disciplinary action in
18 accordance with Subchapter K against an officer for whom a report of
19 misconduct is submitted to the commission.

20 (e) The commission shall maintain a record of each report
21 submitted to the commission and any actions taken by the commission
22 as a result of the report as part of the personnel files maintained
23 in the licensing database established under Section 1701.168.

24 SECTION 7. Section 1701.202, Occupations Code, is amended
25 by amending Subsection (b) and adding Subsection (d) to read as
26 follows:

27 (b) Except as provided by Subsection (d), on [en] request, a

1 license holder is entitled to ~~[may]~~ obtain information regarding a
2 complaint made against the license holder under this chapter,
3 including a complete copy of the complaint file. On receipt of a
4 request under this subsection, the commission shall provide the
5 requested information in a timely manner to allow the license
6 holder time to respond to the complaint.

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

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

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

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

18 Sec. 1701.205. OFFICER PERSONAL SERVICE REPORTS. (a) The
19 commission shall establish a public database containing personal
20 service reports of each officer licensed under this chapter. A
21 service report must:

22 (1) include the information required by Subsection
23 (b); and

24 (2) be compiled in a format that makes the information
25 readily available to the public.

26 (b) Except as otherwise provided by this section, a service
27 report must contain the following information with respect to each

1 officer:

2 (1) the date the officer completed the basic training
3 course;

4 (2) whether the officer is in compliance with
5 continuing education requirements and the continuing education
6 courses completed;

7 (3) the total hours of training the officer has
8 completed; and

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

10 (c) The commission shall adopt rules to exclude from the
11 database personal service reports for certain officers if including
12 the service report would create a safety risk for an undercover
13 officer or an officer involved in an active sensitive operation.
14 Rules adopted under this section must allow an officer described by
15 this subsection or the law enforcement agency employing the officer
16 to request, in a manner prescribed by the commission, the service
17 report of the officer to be excluded from the database. A request
18 to exclude an officer's personal service report under this section
19 is confidential and not subject to disclosure under Chapter 552,
20 Government Code.

21 (d) The commission shall:

22 (1) require a person accessing information in the
23 database to register as a user before accessing the database; and

24 (2) track each user's activity on the database,
25 including the personal service reports the user accesses.

26 (e) The user information collected and maintained by the
27 commission under Subsection (d) is confidential and not subject to

1 disclosure under Chapter 552, Government Code, except as required
2 to comply with a court order.

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

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

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

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

25 (i) As part of the minimum curriculum requirements, the
26 commission shall establish a statewide comprehensive education and
27 training program on identity theft under Section 32.51, Penal Code,

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

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

14 An officer may not satisfy the requirements of this subsection or
15 Section 1701.402(g) by taking an online course on de-escalation and
16 crisis intervention techniques to facilitate interaction with
17 persons with mental impairments.

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

26 (m) As part of the minimum curriculum requirements, the
27 commission shall establish a statewide comprehensive education and

1 training program on procedures for interacting with drivers who are
2 deaf or hard of hearing, as defined by Section 81.001, Human
3 Resources Code, including identifying specialty license plates
4 issued to individuals who are deaf or hard of hearing under Section
5 504.204, Transportation Code. ~~[An officer shall complete a program
6 established under this subsection not later than the second
7 anniversary of the date the officer is licensed under this chapter
8 or the date the officer applies for an intermediate proficiency
9 certificate, whichever date is earlier.]~~

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

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

24 SECTION 11. Section 1701.303, Occupations Code, is amended
25 to read as follows:

26 Sec. 1701.303. LICENSE APPLICATION; DUTIES OF APPOINTING
27 ENTITY. (a) Before a [A] law enforcement agency or governmental

1 entity [~~that~~] hires a person for whom a license is sought, the
2 agency or entity must:

3 (1) review any information relating to the person
4 available:

5 (A) in a database established under Section
6 1701.168;

7 (B) in a database designated under Section
8 1701.169; and

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

11 (2) file an application with the commission as
12 provided by commission rule.

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

21 (1) new criminal history record information;

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

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

1 (c) A person who appoints or employs a telecommunicator
2 licensed by the commission shall notify the commission not later
3 than the 30th day after the date of the appointment or employment.
4 If the person appoints or employs an individual who previously
5 served as a telecommunicator and the appointment or employment
6 occurs after the 180th day after the last date of service as a
7 telecommunicator, the person must have on file in a form readily
8 accessible to the commission:

9 (1) new criminal history record information; and

10 (2) new documentation that the license holder has been
11 fingerprinted and subjected to a search of local, state, and
12 national records and fingerprint files to disclose any criminal
13 record of the license holder [~~two completed fingerprint cards~~].

14 SECTION 12. Subchapter G, Chapter 1701, Occupations Code,
15 is amended by adding Sections 1701.3035 and 1701.3135 to read as
16 follows:

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

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

27 Sec. 1701.3135. DISQUALIFICATION: REVOCATION OR SUSPENSION

1 IN ANOTHER STATE. A person is disqualified to be an officer, and
2 the commission may not issue an officer license to the person, if
3 the person has been issued a license or other authorization to act
4 as an officer in another state and, at the time the person applies
5 for a license in this state, that license or authorization is
6 revoked or suspended for a reason that would be grounds for the
7 commission to revoke or suspend a license in this state.

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

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

14 (1) completes a training course in emergency first aid
15 and lifesaving techniques approved by the commission;

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

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

21 (A) knowledge and recognition of the
22 characteristics and symptoms of mental illness, intellectual
23 disabilities [~~mental retardation~~], and developmental [~~mental~~]
24 disabilities; and

25 (B) knowledge of mental health crisis
26 intervention strategies for people with mental impairments.

27 SECTION 14. Section 1701.451(a), Occupations Code, is

1 amended to read as follows:

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

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

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

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

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

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

19 (i) personnel files, as described by
20 Section 1701.4535, and other employee records from each previous
21 law enforcement agency employer, including the employment
22 application submitted to the previous employer;

23 (ii) employment termination reports and
24 misconduct investigation reports maintained by the commission
25 under this subchapter;

26 (iii) service records maintained by the
27 commission;

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

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

7 (vi) criminal history record information;

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

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

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

16 (x) proof of United States citizenship;

17 [~~and~~]

18 (xi) information on the person's background
19 from at least three personal references and at least two
20 professional references; and

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

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

27 Sec. 1701.4522. MISCONDUCT INVESTIGATION AND HIRING

1 PROCEDURES. (a) The commission shall adopt a model policy
2 establishing procedures applicable to a law enforcement agency:

3 (1) investigating alleged misconduct by a license
4 holder employed by the agency; and

5 (2) hiring a license holder.

6 (b) The policy adopted under this section must:

7 (1) require a law enforcement agency to:

8 (A) initiate an appropriate administrative or
9 criminal investigation into alleged misconduct of a license holder
10 employed by the law enforcement agency at the time the agency
11 becomes aware of the alleged misconduct;

12 (B) complete the investigation described by
13 Paragraph (A) in a timely manner, as prescribed by the commission;

14 (C) report an investigation into alleged
15 criminal misconduct for which criminal charges are filed against
16 the license holder to the commission in a timely manner after the
17 investigation is completed;

18 (D) complete an administrative investigation of
19 alleged misconduct and prepare and submit to the commission a
20 summary report on the investigation, including the disposition of
21 the investigation and any informational findings, in a format
22 prescribed by the commission, in a timely manner but not later than
23 the 30th day after the date of the license holder's separation from
24 the agency, if applicable;

25 (E) include documentation of the completed
26 investigation in the personnel file, as described by Section
27 1701.4535, of the license holder maintained by the agency; and

1 (F) submit to the commission each report of a
2 completed investigation;

3 (2) provide that an investigation into the alleged
4 misconduct of a license holder may not be terminated by the
5 resignation, retirement, termination, death, or separation from
6 employment of the license holder;

7 (3) specify that a license holder under investigation
8 for misconduct is entitled to any internal due process procedures
9 provided by the investigating agency to contest the investigation
10 or completed report;

11 (4) require a law enforcement agency to request and
12 review any information regarding an applicant for employment
13 maintained by the commission in the licensing status database
14 established under Section 1701.168 as part of the preemployment
15 procedures required under Section 1701.451(a);

16 (5) establish a provisional hiring period of at least
17 45 days for any license holder employed by a law enforcement agency
18 and allow a law enforcement agency to terminate the employment of
19 the license holder if information relating to an investigation of
20 alleged misconduct by the license holder is made available to the
21 agency by the commission as part of the preemployment procedures
22 required under Section 1701.451(a) within the provisional period;
23 and

24 (6) take into account the variation in size, function,
25 and jurisdiction of law enforcement agencies in this state.

26 (c) A law enforcement agency shall adopt the model policy
27 described by Subsection (a) or a substantively similar policy. A

1 policy adopted by a law enforcement agency under this section must
2 be submitted to the commission and the commission shall maintain a
3 copy of the policy.

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

8 (e) The commission shall notify a law enforcement agency
9 seeking to appoint a license holder of a completed investigation
10 report submitted to the commission with respect to the license
11 holder not later than the fifth business day after the date the
12 commission receives the report.

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. Subchapter J, Chapter 1701, Occupations Code,
21 is amended by adding Section 1701.4535 to read as follows:

22 Sec. 1701.4535. PERSONNEL FILE. (a) The commission shall
23 adopt a model policy regarding personnel files maintained with
24 respect to a license holder. The policy must:

25 (1) require the head of a law enforcement agency or the
26 head's designee to maintain a personnel file on each license holder
27 employed by the agency that contains any letter, memorandum, or

1 document relating to:

2 (A) a commendation, congratulation, or honor
3 bestowed on the license holder by a member of the public or by the
4 employing agency for an action, duty, or activity that relates to
5 the license holder's official duties;

6 (B) any misconduct by the license holder if the
7 letter, memorandum, or document is from the employing agency and
8 the misconduct resulted in disciplinary action by the employing
9 agency; and

10 (C) the periodic evaluation of the license holder
11 by a supervisor; and

12 (2) provide that:

13 (A) a letter, memorandum, or document relating to
14 alleged misconduct by the license holder may not be placed in the
15 license holder's personnel file if the employing agency determines
16 that there is insufficient evidence to sustain the charge of
17 misconduct;

18 (B) if a negative letter, memorandum, document,
19 or other notation of negative impact is included in a license
20 holder's personnel file:

21 (i) the agency head or the head's designee
22 shall, not later than the 30th day after the date of the inclusion,
23 notify the affected license holder by certified mail; and

24 (ii) the license holder may, on or before
25 the 30th day after the date of receipt of the notification, file a
26 written response to the negative letter, memorandum, document, or
27 other notation;

1 (C) information contained in a license holder's
2 personnel file may not be released without the license holder's
3 written permission, unless the release is required by law;

4 (D) a license holder is entitled, on request, to
5 a copy of any letter, memorandum, or document placed in the license
6 holder's personnel file; and

7 (E) an employing agency may charge the license
8 holder a reasonable fee not to exceed the actual cost of any copies
9 described by Paragraph (D).

10 (b) A law enforcement agency shall adopt the model policy
11 described by Subsection (a) or a substantively similar policy. A
12 policy adopted by a law enforcement agency under this section must
13 be submitted to the commission, and the commission shall maintain a
14 copy of the policy.

15 (c) Except as provided by Subsections (d) and (e), a law
16 enforcement agency may not release any information contained in a
17 license holder's personnel file to any other agency or person
18 requesting information relating to the license holder unless
19 required by law. The agency shall refer the person or agency
20 requesting the information to the agency head or the head's
21 designee.

22 (d) A law enforcement agency shall provide a license
23 holder's personnel file to the commission:

24 (1) not later than the 30th day after the date the
25 license holder separates from the agency; or

26 (2) on request by the commission as part of an ongoing
27 investigation relating to the license holder.

1 (e) As provided by Section 1701.451, a law enforcement
2 agency hiring a license holder is entitled to view the contents of
3 the license holder's personnel file.

4 SECTION 18. Section 1701.456(a), Occupations Code, is
5 amended to read as follows:

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

10 SECTION 19. The heading to Subchapter K, Chapter 1701,
11 Occupations Code, is amended to read as follows:

12 SUBCHAPTER K. DISCIPLINARY GROUNDS AND PROCEDURES

13 SECTION 20. Section 1701.501, Occupations Code, is amended
14 by adding Subsection (a-1) to read as follows:

15 (a-1) Except with respect to an officer elected under the
16 Texas Constitution, the commission shall revoke or suspend a law
17 enforcement agency's authority to employ a license holder, place on
18 probation an agency whose authority to employ a license holder has
19 been suspended, or reprimand a law enforcement agency for a
20 violation described by Subsection (a).

21 SECTION 21. Subchapter K, Chapter 1701, Occupations Code,
22 is amended by adding Section 1701.5011 to read as follows:

23 Sec. 1701.5011. EMERGENCY SUSPENSION. (a) The commission
24 shall adopt rules specifying the circumstances under which the
25 commission may issue an emergency order, without a hearing,
26 suspending a person's license for a period not to exceed 90 days
27 after determining that the person constitutes an imminent threat to

1 the public health, safety, or welfare.

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

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

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

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

19 SECTION 22. The following provisions of the Occupations
20 Code are repealed:

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

22 (2) Section 1701.4521; and

23 (3) Section 1701.4525.

24 SECTION 23. (a) Except as provided by Subsection (b) of
25 this section, Section 1701.059, Occupations Code, as amended by
26 this Act, applies to a member of the Texas Commission on Law
27 Enforcement appointed before, on, or after the effective date of

1 this Act.

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

12 SECTION 24. (a) Not later than March 1, 2024, the Texas
13 Commission on Law Enforcement shall:

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

17 (2) adopt the model policies required by Sections
18 1701.167, 1701.171, 1701.4522, and 1701.4535, Occupations Code, as
19 added by this Act;

20 (3) establish the licensing status database as
21 required by Section 1701.168, Occupations Code, as added by this
22 Act;

23 (4) designate the databases required by Sections
24 1701.169 and 1701.170, Occupations Code, as added by this Act; and

25 (5) establish a date by which each law enforcement
26 agency in this state shall adopt the policies required by Sections
27 1701.167, 1701.171, 1701.4522, and 1701.4535, Occupations Code, as

1 added by this Act.

2 (b) Not later than September 1, 2024, the Texas Commission
3 on Law Enforcement shall establish the database containing officer
4 personal service reports as required by Section 1701.205,
5 Occupations Code, as added by this Act.

6 SECTION 25. Sections 1701.303 and 1701.451(a), Occupations
7 Code, as amended by this Act, and Section 1701.3035, Occupations
8 Code, as added by this Act, apply only with respect to a person
9 hired on or after March 1, 2024. A person hired before March 1,
10 2024, is governed by the law in effect immediately before the
11 effective date of this Act, and the former law is continued in
12 effect for that purpose.

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

21 SECTION 27. Section 1701.3135, Occupations Code, as added
22 by this Act, applies only to an application for an officer license
23 submitted under Chapter 1701, Occupations Code, on or after the
24 effective date of this Act. An application submitted before the
25 effective date of this Act is governed by the law in effect on the
26 date the application was submitted, and the former law is continued
27 in effect for that purpose.

1 SECTION 28. Section [1701.501\(a-1\)](#), Occupations Code, as
2 added by this Act, applies only to conduct that occurs on or after
3 the effective date of this Act. Conduct that occurs before the
4 effective date of this Act is governed by the law in effect on the
5 date the conduct occurred, and the former law is continued in effect
6 for that purpose.

7 SECTION 29. This Act takes effect September 1, 2023.