

## **BILL ANALYSIS**

Senate Research Center  
87R16235 MP-D

C.S.S.B. 24  
By: Huffman  
Jurisprudence  
3/23/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Recent reports indicate that, despite the numerous law enforcement officers who serve their community with distinction and honor, a few unfit officers brandish the badge by bouncing from one law enforcement agency to another.

S.B. 24 establishes law enforcement hiring procedures that hold both applicants and law enforcement agencies accountable by requiring review of pertinent records of prior conduct and activities before an applicant is hired by a law enforcement agency. Specifically, the bill requires law enforcement agencies to review basic background information on applicants during the hiring process, including the applicant's personnel file at any previous law enforcement agency. Upon completion, the hiring agency must certify to the Texas Commission on Law Enforcement (TCOLE) that it has reviewed the required information.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 24 amends current law relating to the procedures required before a law enforcement agency hires a peace officer.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Law Enforcement in SECTION 5 (Section 1701.4511, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 143.089, Local Government Code, by amending Subsection (g) and adding Subsection (h), as follows:

(g) Creates an exception under Subsection (h) and makes a nonsubstantive change.

(h) Entitles a law enforcement agency hiring a police officer, as provided by Section 1701.4511, Occupations Code, to view the contents of the officer's personnel file maintained under Subsection (g) (relating to the authority of a fire or police department to maintain personnel files on employees for the department's use).

SECTION 2. Amends the heading to Subchapter J, Chapter 1701, Occupations Code, to read as follows:

#### **SUBCHAPTER J. EMPLOYMENT RECORDS AND PREEMPLOYMENT PROCEDURE**

SECTION 3. Amends the heading to Section 1701.451, Occupations Code, to read as follows:

Sec. 1701.451. PREEMPLOYMENT PROCEDURE: NON-PEACE OFFICER POSITIONS.

SECTION 4. Amends Section 1701.451(a), Occupations Code, to require a law enforcement agency head or the agency head's designee to meet certain requirements before the agency is

authorized to hire a person licensed under Chapter 1701 (Law Enforcement Officers) for a position other than a peace officer position.

SECTION 5. Amends Subchapter J, Chapter 1701, Occupations Code, by adding Section 1701.4511, as follows:

Sec. 1701.4511. PREEMPLOYMENT PROCEDURE: PEACE OFFICER POSITIONS.

(a) Requires a law enforcement agency, before the agency is authorized to hire a person licensed under this chapter for a peace officer position, to:

(1) obtain the officer's written consent, on a form and in the manner prescribed by the Texas Commission on Law Enforcement (TCOLE), for the agency to review the information required to be reviewed under this section;

(2) request from TCOLE and any other applicable person, on a form and in the manner prescribed by TCOLE, information required to be reviewed under this section; and

(3) submit to TCOLE, on a form and in the manner prescribed by TCOLE, 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 officer certain information, as applicable.

(b) Requires that the confirmation submitted to TCOLE, if an entity or individual contacted for information required to be reviewed under this section refused to provide the information or did not respond to the request for information, document the manner of the request and the refusal or lack of response.

(c) Requires TCOLE or a law enforcement agency, if TCOLE or the agency receives a request for information and the officer's consent on the forms and in the manner prescribed by TCOLE, to provide the information.

(d) Provides that the confirmation form submitted to TCOLE under this section is not confidential and is subject to disclosure under Chapter 552 (Public Information), Government Code.

(e) Requires TCOLE to:

(1) by rule establish the forms and procedures required by this section, including:

(A) the process by which a law enforcement agency is required to make a person's employment records electronically available to a law enforcement agency hiring a police officer;

(B) appropriate privacy and security protections for the process described by Paragraph (A); and

(C) a rule prohibiting a confirmation form submitted to TCOLE under this section from containing confidential information described by Section 552.1175(b) (relating to the prohibition of certain personal identifying information of certain governmental employees from being disclosed to the public), Government Code, regarding the officer who is the subject of the confirmation form;

(2) post the forms and procedures on TCOLE's Internet website; and

(3) retain a record of each confirmation form submitted under this section.

(f) Requires the head of a law enforcement agency or the agency head's designee to review and sign each confirmation form required under this section before submission to TCOLE. Provides that the failure of an agency head or the agency head's designee to comply with this subsection constitutes grounds for suspension of the agency head's license under Section 1701.501 (Disciplinary Action).

SECTION 6. Amends Section 1701.456(b), Occupations Code, as follows:

(b) Provides that a law enforcement agency, agency head, or other law enforcement official is not liable for civil damages for:

(1) creates this subdivision from existing text and makes nonsubstantive changes;  
or

(2) making a person's information available to a hiring law enforcement agency under Section 1701.4511.

SECTION 7. (a) Requires TCOLE, not later than January 1, 2022, to adopt the rules necessary to implement Section 1701.4511, Occupations Code, as added by this Act.

(b) Makes application of this Act prospective to January 1, 2022.

SECTION 8. Effective date: September 1, 2021.