

- SUBJECT:** Making police employment records available electronically to agencies
- COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended
- VOTE:** 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Christine Wright, City of San Antonio; Jennifer Szimanski, CLEAT; David Sinclair, Game Warden Peace Officers Association; Jimmy Rodriguez, San Antonio Police Officers Association; Gyl Switzer and Louis Wichers, Texas Gun Sense; Julie Wheeler, Travis County Commissioners Court; Brian McDowell; Janice Riley)
- Against — None
- On — Kim Vickers, Texas Commission on Law Enforcement; (*Registered, but did not testify:*; AJ Louderback and Brian Hawthorne, Sheriffs Association of Texas; Thomas Parkinson)
- BACKGROUND:** Under Occupations Code sec. 1701.451, before a law enforcement agency may hire a peace officer, the agency head must submit confirmation to the commission that the agency took certain actions, including obtained written consent for the agency to view the officer's employment records. The law enforcement agency is required to make the officer's employment records available to a hiring law enforcement agency on request.
- DIGEST:** CSHB 8 would specify that a law enforcement agency that obtained consent to view a person's employment records would have to make an electronic copy of the employment records available to a hiring law enforcement agency on request.

The Texas Commission on Law Enforcement would have to prescribe the

manner by which a law enforcement agency would make the records electronically available to a hiring law enforcement agency. The commission would have to adopt rules to implement the bill by December 1, 2021, and the rules would have to provide appropriate privacy and security protections.

The bill would take effect September 1, 2021, and would apply only to the hiring of a person by a law enforcement agency that occurred on or after December 1, 2021.

**SUPPORTERS  
SAY:**

CSHB 8 would ensure that all law enforcement agencies had access to applicants' employment records from previous agencies during the hiring process by requiring that such records be made available electronically.

Current law requires a law enforcement agency to make employment records available to a hiring agency for the purpose of vetting a candidate. However, there is no standardized system for sharing law enforcement employment data, and statute does not specify how records are to be made available. This has created a barrier to thoroughly vetting applicants and resulted in inconsistent availability of employment data. For example, some agencies have reported that other agencies' employment records are available only for in-person viewing, imposing a burden on the hiring agency, especially smaller agencies, to use money and resources to travel to view the data. As a result, officers can be hired with minimal backgrounds completed.

This bill would improve an important part of the police officer hiring process by ensuring employment records were made available to law enforcement agencies across the state uniformly, thereby reducing the barrier to thoroughly vetting applicants before hire.

The bill should not be any more prescriptive and appropriately would give the Texas Commission on Law Enforcement (TCOLE) the authority and discretion through agency rules to implement the bill in a way that would most benefit law enforcement agencies and enhance public safety. The bill importantly would require rules to include privacy and security

protections. In addition, by leaving implementation up to TCOLE rules, the bill would allow the commission to investigate software systems and related requirements that best align with commission resources.

CRITICS  
SAY:

While CSHB 8 would take an important step toward ensuring law enforcement agencies thoroughly vetted applicants, the bill as written could impose implementation challenges.

The bill is unclear on whether law enforcement agencies would have to make available electronically currently required documents or complete personnel files. Currently, law enforcement agencies must provide certain forms and statements in employee records to a hiring agency, and departmental policies may differ on what other information is provided and how it is able to be viewed. Forms already maintained electronically would be easy to upload in a future system, but if the bill were to require entire personnel files, some hundreds of pages, be made available electronically, it would be labor intensive and could result in an unfunded mandate on some agencies. Not all agencies keep electronic personnel files, so the bill would impact agencies, especially smaller ones with already limited resources, to scan and upload files. To most effectively implement the bill, a database and communication system to securely send and store personnel records that was compatible with law enforcement agencies across the state would have to be created.