

BILL ANALYSIS

Senate Research Center

H.B. 2799
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, peace officers are not licensed until they are appointed by a law enforcement agency for the first time. Because they are not yet licensed peace officers, they are not required to report being arrested, charged, or indicted with any criminal offense above the grade of a Class C misdemeanor or any Class C misdemeanor relating to office or family violence, offenses that, should they be convicted, disqualify them from becoming licensed peace officers. This can lead to ineligible individuals serving as peace officers until their disqualifying act is discovered.

H.B. 2799 seeks to obligate a person who qualifies for a peace officer's license, but has not yet been appointed as a peace officer, to report whether he or she has ever been arrested, charged, or indicted with any criminal offense above the grade of a Class C misdemeanor or any Class C misdemeanor relating to office or family violence, any change to a name or permanent mailing address, and/or a DD Form 214 (certificate of release or discharge from active duty) indicating discharge under conditions other than honorable or general-under-honorable.

H.B. 2799 authorizes the Texas Commission on Law Enforcement Officer Standards and Education to declare a person who meets the requirements under Section 1701.307(a), Occupations Code, ineligible for appointment as a peace officer based on events that occur after the person meets the requirements in Section 1701.307(a), Occupations Code, but before the person is appointed.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 1701, Occupations Code, by adding Section 1701.3075, as follows:

Sec. 1701.3075. QUALIFIED APPLICANT AWAITING APPOINTMENT. (a) Provides that a person who meets the requirements set forth in Section 1701.307(a) (relating to certain persons who are issued a license) has the same reporting responsibilities toward the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) under rules adopted by TCLEOSE as a license holder who has already been appointed as a peace officer.

(b) Authorizes TCLEOSE to determine that a person who meets the requirements under Section 1701.307(a) is ineligible for appointment as a peace officer based on events that occur after the person meets the requirements in Section 1701.307(a) but before the person is appointed.

SECTION 2. Effective date: September 1, 2009.