

## **BILL ANALYSIS**

Senate Research Center  
83R9524 EES-D

S.B. 965  
By: Williams  
Criminal Justice  
3/22/2013  
As Filed

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

Under current law, when a peace officer is discharged, the chief of police of the terminating agency must file a Separation of Licensee (F-5) form to indicate whether the employee was discharged honorably, dishonorably, or generally. The head of the agency completes this form after all appeals for termination have been exhausted. The F-5 is filed with the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) and serves as a reference for other law enforcement agencies who may seek to hire the individual. The employee may contest the category of discharge through a hearing at the State Office of Administrative Hearings.

S.B. 965 amends Section 1701.4525 (Petition for Correction of Report; Hearing) of the Occupations Code to require the administrative law judge to order TCLEOSE, rather than the chief of police of the terminating agency, to make the change to the report.

S.B. 965 also repeals Section 1701.4535(e-1) of the Occupations Code. This section removes an administrative penalty that TCLEOSE may assess against the head of the agency if they fail to make a correction. This section is no longer needed because TCLEOSE itself will be making the change.

As proposed, S.B. 965 amends current law relating to the correction of employment termination reports for law enforcement officers.

### **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 the heading to Section 1701.4525, Occupations Code, to read as follows:

Sec. 1701.4525. PETITION FOR CORRECTION OF REPORT; HEARING.

SECTION 2. Amends Section 1701.4525(e), Occupations Code, as follows:

(e) Requires the administrative law judge, in a proceeding to contest information in an employment termination report, if the alleged misconduct is not supported by a preponderance of the evidence, to order the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to change the report. Makes a nonsubstantive change.

SECTION 3. Repealer: Section 1701.4525(e-1) (relating to authorizing TCLEOSE to assess an administrative penalty against an agency head who fails to make certain corrections to an employment termination report), Occupations Code.

SECTION 4. Makes application of Section 1701.4525, Occupations Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2013.