

BILL ANALYSIS

Senate Research Center

S.B. 651
By: Carona
Intergovernmental Relations
2-27-97
As Filed

DIGEST

Currently, Subchapter B, Chapter 614, Government Code, provides rules for the administration of complaints against fire fighters, police officers and law enforcement officers employed by the state. This subchapter requires a complaint against an officer or firefighter to be in writing and signed by the complainant before the complaint can be considered. Additionally, a copy of the complaint must be provided to the affected employee within a reasonable time after being filed and no disciplinary action may be taken based on a complaint unless a copy has been given to the employee. Despite these provisions, a complainant can make false accusations against an employee without fear of prosecution for perjury. The investigation of false complaints decreases the efficiency of the investigative process and may cast doubt on the reputation of model public safety employees. S.B. 651 would require a complaint against an officer to be made under oath in order to increase the efficiency of the investigative process and protect the reputation of the employee.

PURPOSE

As proposed, S.B. 651 outlines provisions regarding complaints against peace officers and certain firefighters.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 614.021, Government Code, as follows:

Sec. 614.021. New heading: **APPLICABILITY OF SUBCHAPTER; DEFINITION.** Provides that this subchapter applies only to a complaint against a police officer, rather than a police officer who is not covered by a civil service statute. Defines "police officer" as a person who is a peace officer under Article 2.12, Code of Criminal Procedure, or other law, and who is employed by a political subdivision of the state.

SECTION 2. Amends Section 614.022, Government Code, as follows:

Sec. 614.022. New heading: **COMPLAINT TO BE IN WRITING, UNDER OATH, AND SIGNED BY COMPLAINANT.** Requires the complaint to be made under oath and in writing to be considered by the head of a state agency or by the head of a fire or police department. Makes conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.
Effective date: upon passage.