

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 651  
By: Carona  
Intergovernmental Relations  
3-6-97  
Committee Report (Substituted)

### **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. S.B. 651 would require a complaint against an officer to be made under oath to increase the efficiency of the investigative process and protect the reputation of the employee.

### **PURPOSE**

As proposed, C.S.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, to provide that this subchapter applies only to a complaint against a fire fighter and a police officer, rather than a fire fighter and a police officer who are not covered by a civil service statute.

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. Prohibits the complaint from being considered by the head of a state agency or by the head of a fire or police department unless the complaint is made under oath and in writing except as provided by Subsection (b). Sets forth instances in which the head of a state agency or the head of a fire or police department is authorized to investigate and consider a complaint that is not made under oath. Makes conforming and nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.

Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Amends SECTION 1, Section 614.021, Government Code, by deleting a provision regarding a certain fire fighter.

Amends SECTION 2, Section 614.022, Government Code, regarding provisions for the complaint.