

BILL ANALYSIS

Senate Research Center
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H.B. 2536
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Engrossed

DIGEST AND PURPOSE

Current law provides that a fire or police department in a municipality that has adopted the provisions for municipal civil service may maintain a personnel file on each officer for the department's use. This police or fire department personnel file is not subject to disclosure under the open records law. However, a personnel file maintained by a municipality's civil service director, which must contain any letter, memorandum, or document relating to a sustained charge of misconduct that results in a disciplinary action, is subject to disclosure under the open records law.

In 2000, the attorney general issued an opinion that interpreted a disciplinary action as a suspension, demotion, uncompensated duty, or dismissal. So that public information disclosure requirements apply to information in a personnel file maintained by a civil director regarding a disciplinary action that is not a suspension, demotion, uncompensated duty, or dismissal, H.B. 2536 defines "disciplinary action" to include any action by a police or fire department administered as punishment for violating a departmental rule or order.

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 Section 143.089, Local Government Code, to define "disciplinary action." Makes nonsubstantive and conforming changes.

SECTION 2. Effective date: September 1, 2001.