

BILL ANALYSIS

Senate Research Center
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S.B. 614
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DIGEST AND PURPOSE

Currently, there are no “due process” requirements for local sheriff’s department officers as there are for fire fighters and other law enforcement agencies. Sheriff’s departments are not required to inform their deputies of complaints made against them, nor are they required to show the deputies such complaints. As proposed, S.B. 614 implements a system of “due process” to tighten restrictions of the circumstances under which disciplinary action can be taken by fire departments and law enforcement agencies.

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 Chapter 614B, Government Code, as follows:

Sec. 614.021. Provides that this subchapter applies only to a complaint against a fire fighter who is employed by the state or a political subdivision of the state or a peace officer, rather than a police officer, under Article 2.12, Code of Criminal Procedure (Who are peace officers), or other law who is appointed or employed by a political subdivision of the state who was previously not covered by a civil service statute.

Sec. 614.022. Adds new language related to a complaint required to be in writing and signed by the complainant in order for the complaint to be considered by the head of a state agency or by the head of a fire department (deletes reference to police department) or local law enforcement agency.

Sec. 614.023 (a) Makes conforming changes.

(b) Provides that disciplinary action may not be taken against the officer or employee unless the complaint is investigated and there is sufficient evidence to prove the allegation of misconduct.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.