

BILL ANALYSIS

Senate Research Center

H.B. 639
By: Bailey, et al. (Barrientos)
Intergovernmental Relations
5/2/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Subchapter B, Chapter 614, Local Government Code, requires that complaints against law enforcement officers employed by the state, and police officers or fire fighters not covered by a civil service statute, be in writing and signed by the complainant. The statute also provides that disciplinary action may not be taken against a covered employee unless a copy of the complaint is given to the employee. As stated above, the statute does not require that complaints be investigated or that sufficient evidence exist when disciplinary action is taken against an employee based on a complaint. Additionally, though the statute refers to complaints against law enforcement officers, it is not sufficiently clear that it applies to all law enforcement officers.

H.B. 639 amends the statute to ensure that procedures for investigating complaints apply to all law enforcement officers, including all peace officers defined under Article 2.12, Code of Criminal Procedure, county jailers, and detention officers. In addition, the bill provides that an officer may not be terminated based on the subject matter of a complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct.

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 Subchapter B, Chapter 614, Government Code, as follows:

SUBCHAPTER B. COMPLAINT AGAINST LAW ENFORCEMENT OFFICER OR FIRE FIGHTER

Sec. 614.021. APPLICABILITY OF SUBCHAPTER. (a) Creates this subsection from existing text. Provides that this subchapter applies except as provided by Subsection (b). Provides that this subchapter applies, in addition to a law enforcement officer of the State of Texas, to: a firefighter who is employed by this state or a political subdivision of this state, rather than a firefighter who is not covered by a civil service statute; a peace officer under Article 2.12, Code of Criminal Procedure, or other law, who is appointed or employed by a political subdivision of this state, rather than a police officer who is not covered by a civil service statute; and a detention officer or county jailer who is appointed or employed by a political subdivision of this state.

(b) Prohibits this subchapter from being applied to a peace officer or fire fighter appointed or employed by a political subdivision that is covered by certain meet and confer or collective bargaining agreements.

Sec. 614.022. COMPLAINT TO BE IN WRITING AND SIGNED BY COMPLAINANT. Makes nonsubstantive changes.

Sec. 614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR EMPLOYEE. (a) Requires a copy of a signed complaint against a law enforcement officer of this state, or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state to be given to the officer or employee within a reasonable time after the complaint is filed.

(b) Makes no changes.

(c) Prohibits an officer or employee, in addition to the requirement of Subsection (b), from being indefinitely suspended or terminated from employment based on the subject matter of the complaint unless: the complaint is investigated and there is evidence to prove the allegation of misconduct.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.