

By: Deshotel

H.B. No. 4463

A BILL TO BE ENTITLED

AN ACT

relating to certain complaints against and training for peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter B, Chapter 614, Government Code, is amended to read as follows:

SUBCHAPTER B. COMPLAINT AGAINST CERTAIN LAW ENFORCEMENT OFFICERS
~~[OFFICER]~~ OR FIRE FIGHTERS ~~[FIGHTER]~~

SECTION 2. Chapter 614, Government Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. COMPLAINTS AGAINST PEACE OFFICERS

Sec. 614.031. DEFINITION. In this subchapter, "law enforcement agency" means an agency of this state or an agency of a political subdivision of this state authorized by law to employ peace officers.

Sec. 614.032. RETENTION OF COMPLAINTS. Notwithstanding any other law, a law enforcement agency shall retain a copy of each written complaint filed against a peace officer until at least the fifth anniversary of the date of the officer's separation from employment with the agency.

Sec. 614.033. REPORTING OF CERTAIN COMPLAINTS TO TEXAS COMMISSION ON LAW ENFORCEMENT. The head of a law enforcement agency shall report each written complaint filed against a peace officer that alleges the officer engaged in racial profiling or racially

1 discriminatory misconduct to the Texas Commission on Law
2 Enforcement not later than the 15th day after the date the complaint
3 is filed.

4 SECTION 3. Subchapter F, Chapter 1701, Occupations Code, is
5 amended by adding Section 1701.269 to read as follows:

6 Sec. 1701.269. RACIAL PROFILING AND CULTURAL DIVERSITY
7 TRAINING PROGRAM. (a) The commission shall establish a training
8 program on racial profiling and cultural diversity. The program
9 must consist of not less than 48 hours of classroom instruction,
10 designed to be completed in increments in accordance with
11 Subsection (c).

12 (b) The commission shall maintain a record of the number of
13 complaints regarding a peace officer that have been reported to the
14 commission under Section 614.033, Government Code, in a 12-month
15 period.

16 (c) The commission shall require a peace officer with
17 respect to whom 10 or more complaints have been reported in a
18 12-month period to complete the applicable number of hours of
19 training as follows:

20 (1) for an officer who has 10 or more but fewer than 20
21 complaints, 16 hours;

22 (2) for an officer who has 20 or more but fewer than 30
23 complaints, the number of hours required under Subdivision (1) plus
24 an additional 16 hours; and

25 (3) for an officer who has 30 or more complaints, the
26 number of hours required under Subdivision (2) plus an additional
27 16 hours.

1 SECTION 4. Section 1701.451, Occupations Code, is amended
2 by adding Subsections (d), (e), and (f) to read as follows:

3 (d) A law enforcement agency that makes a person's
4 employment records available under Subsection (a-1) to another law
5 enforcement agency shall provide a copy of the records to the
6 person.

7 (e) A hiring law enforcement agency that reviews a person's
8 employment records from another law enforcement agency under this
9 section must, before the hiring agency makes a determination
10 regarding the person's employment, provide the person an
11 opportunity to comment on the content of the records in the manner
12 prescribed by the hiring agency.

13 (f) A complaint required to be retained under Section
14 614.032, Government Code, is an employment record for purposes of
15 this section.

16 SECTION 5. Not later than January 1, 2022, the Texas
17 Commission on Law Enforcement shall establish the training program
18 required by Section 1701.269, Occupations Code, as added by this
19 Act.

20 SECTION 6. Subchapter B-1, Chapter 614, Government Code, as
21 added by this Act, applies only to a complaint filed with a law
22 enforcement agency on or after January 1, 2022. A complaint filed
23 before January 1, 2022, is governed by the law in effect immediately
24 before the effective date of this Act, and the former law is
25 continued in effect for that purpose.

26 SECTION 7. This Act takes effect September 1, 2021.