

By: Miles

S.B. No. 280

A BILL TO BE ENTITLED

AN ACT

relating to municipal civilian complaint review boards for peace officer misconduct in certain municipalities.

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

SECTION 1. Subtitle A, Title 5, Local Government Code, is amended by adding Chapter 143A to read as follows:

CHAPTER 143A. MUNICIPAL CIVILIAN COMPLAINT REVIEW BOARDS FOR PEACE OFFICER MISCONDUCT IN CERTAIN MUNICIPALITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 143A.001. APPLICABILITY. This chapter applies only to a municipality with a population of 200,000 or more.

Sec. 143A.002. DEFINITIONS. In this chapter:

(1) "Board" means a municipal civilian complaint review board for peace officer misconduct.

(2) "Peace officer" means a peace officer described by Article 2.12, Code of Criminal Procedure, appointed or employed to serve as a peace officer for a municipality.

Sec. 143A.003. MUNICIPAL CIVILIAN COMPLAINT REVIEW BOARD FOR PEACE OFFICER MISCONDUCT. A board is established in each municipality subject to this chapter to investigate complaints alleging peace officer misconduct.

SUBCHAPTER B. MUNICIPAL CIVILIAN COMPLAINT REVIEW BOARD FOR PEACE

OFFICER MISCONDUCT

Sec. 143A.051. COMPOSITION OF BOARD. A board consists of

1 five public members appointed as follows:

2 (1) two members appointed by the presiding officer of
3 the governing body of the municipality, one of whom must be
4 appointed from a list of municipal residents submitted to the
5 presiding officer by the governing body of the municipality;

6 (2) one member appointed by the county judge of the
7 county in which the municipality is wholly or primarily located;

8 (3) one member appointed by the police chief of the
9 municipal police department; and

10 (4) one member appointed by the commissioners court of
11 the county in which the municipality is wholly or primarily
12 located.

13 Sec. 143A.052. INELIGIBILITY. A person is ineligible to
14 serve as a board member if the person:

15 (1) is a municipal employee;

16 (2) holds a public office; or

17 (3) has experience as a law enforcement professional,
18 including as:

19 (A) a peace officer;

20 (B) a criminal investigator;

21 (C) a special agent; or

22 (D) a managerial or supervisory employee with
23 substantial policy discretion on law enforcement matters in a
24 federal, state, or local law enforcement agency, other than as an
25 attorney in a prosecutorial agency.

26 Sec. 143A.053. TERMS. A board member is appointed for a
27 two-year term.

1 Sec. 143A.054. PRESIDING OFFICER. The presiding officer of
2 the governing body of the municipality shall designate a board
3 member to serve as the presiding officer of the board at the
4 pleasure of the presiding officer of the governing body of the
5 municipality.

6 Sec. 143A.055. GROUNDS FOR REMOVAL OF BOARD MEMBER. (a) A
7 board member may be removed from a board if the member:

8 (1) is ineligible for membership under Section
9 143A.052;

10 (2) cannot discharge the member's duties for a
11 substantial part of the member's term because of illness or
12 disability; or

13 (3) is absent from more than half of the regularly
14 scheduled board meetings during a calendar year without an excuse
15 approved by a majority vote of the board.

16 (b) The validity of an action of a board is not affected by
17 the fact that it is taken when a ground for removal of a board member
18 exists.

19 (c) If the executive director of a board or another board
20 member has knowledge that a potential ground for removal exists,
21 the executive director or board member shall notify the presiding
22 officer of the board of the potential ground. The presiding officer
23 shall then notify the presiding officer of the governing body of the
24 municipality that a potential ground for removal exists. If the
25 potential ground for removal involves the presiding officer of the
26 board, the executive director or board member shall notify the next
27 highest ranking officer of the board, who shall then notify the

1 presiding officer of the governing body of the municipality that a
2 potential ground for removal exists.

3 Sec. 143A.056. VACANCY. A vacancy on a board shall be
4 filled for the unexpired term in the same manner as the original
5 appointment.

6 Sec. 143A.057. COMPENSATION; EXPENSES. (a) A board member
7 is entitled to a per diem of \$150 for each day the member engages in
8 board business. The total per diem a board member may receive
9 during a fiscal year may not exceed \$5,000.

10 (b) A board member is entitled to reimbursement for actual
11 and necessary expenses incurred in performing the duties of the
12 board.

13 SUBCHAPTER C. GENERAL POWERS AND DUTIES

14 Sec. 143A.101. EXECUTIVE DIRECTOR. A board may employ an
15 executive director as necessary to administer the policies of the
16 board.

17 Sec. 143A.102. PERSONNEL. A board may employ personnel as
18 necessary to exercise its powers and fulfill its duties under this
19 chapter.

20 Sec. 143A.103. RULES. A board may adopt rules as necessary
21 to implement this chapter.

22 SUBCHAPTER D. INVESTIGATION OF COMPLAINTS

23 Sec. 143A.151. INVESTIGATION OF COMPLAINTS. A board may
24 investigate a complaint that alleges peace officer misconduct
25 involving:

26 (1) excessive use of force;

27 (2) improper use of power to threaten, intimidate, or

1 otherwise mistreat a member of the public;

2 (3) a threat of force;

3 (4) an unlawful act, search, or seizure; or

4 (5) other abuses of authority.

5 Sec. 143A.152. FILING OR BOARD INITIATION OF COMPLAINT. A
6 complaint may be:

7 (1) filed under Section 143A.153; or

8 (2) initiated by a majority vote of the board.

9 Sec. 143A.153. COMPLAINT ALLEGING MISCONDUCT. (a) A person
10 may file a complaint with a board alleging peace officer
11 misconduct.

12 (b) A complaint must:

13 (1) be in writing;

14 (2) allege the peace officer engaged in misconduct
15 described by Section 143A.151; and

16 (3) describe the alleged misconduct.

17 (c) A person may file a complaint regardless of whether the
18 person is the alleged victim of the misconduct.

19 Sec. 143A.154. COMPLAINT REVIEW PROCEDURE. A board shall:

20 (1) develop a system to promptly and efficiently act
21 on a complaint filed with or initiated by the board;

22 (2) maintain information regarding:

23 (A) the parties to each complaint;

24 (B) the subject matter of each complaint;

25 (C) the results of the investigation of a
26 complaint; and

27 (D) the disposition of each complaint;

1 (3) make information available describing the board's
2 procedures for complaint investigation and resolution;

3 (4) take reasonable measures to ensure the
4 confidentiality of all complainants;

5 (5) periodically notify the parties to the complaint
6 in writing of the status of the complaint; and

7 (6) provide the parties to the complaint with the
8 name, address, and telephone number of an individual to contact in
9 order to give or obtain information regarding the complaint.

10 Sec. 143A.155. SUBPOENAS. (a) A board may issue a subpoena
11 to compel the attendance of a witness or the production of any book,
12 record, or other document reasonably necessary to conduct an
13 investigation. A subpoena must relate to a matter under
14 investigation by the board.

15 (b) If a person refuses to comply with a subpoena issued
16 under this section, the board may apply to a court for an order to
17 compel the person to comply with the subpoena. Failure to comply
18 with the court order is punishable as contempt.

19 Sec. 143A.156. DISMISSAL OF CERTAIN ALLEGATIONS; GROUNDS
20 FOR CLOSING INVESTIGATION. A board may dismiss an allegation in a
21 complaint that the board elects to investigate under Section
22 143A.151 and close an investigation without reaching a final
23 determination if the person who filed the complaint or the alleged
24 victim of the misconduct that is the subject of the complaint
25 requests the dismissal.

26 Sec. 143A.157. INVESTIGATION OF COMPLAINT BY MUNICIPAL
27 ATTORNEY. (a) A board shall forward each complaint that the board

1 elects to investigate under Section 143A.151 to the municipal
2 attorney.

3 (b) The municipal attorney shall investigate the complaint
4 by:

5 (1) interviewing and obtaining a statement from:

6 (A) the complainant;

7 (B) each peace officer who is the subject of the
8 complaint; and

9 (C) each witness to the alleged misconduct; and

10 (2) obtaining any documentary or other evidence
11 relevant to the investigation.

12 (c) The municipal attorney shall complete the investigation
13 of a complaint not later than the 120th day after the date the
14 municipal attorney receives the complaint from the board.

15 Sec. 143A.158. COMPLAINT DETERMINATION AFTER
16 INVESTIGATION. (a) After an investigation of a complaint is
17 complete, the municipal attorney shall forward the results of the
18 investigation to the board or a panel of at least three board
19 members. The board or panel shall review the case and make a
20 determination on each allegation in the complaint that has not been
21 dismissed by the board. The determination of the board or panel
22 must be made not later than the 180th day after the date the board
23 receives the complaint.

24 (b) The board or panel shall state the board's or panel's
25 determination regarding each allegation in a complaint as:

26 (1) substantiated if the board or panel finds by a
27 preponderance of the evidence that the person who is the subject of

1 the complaint committed the alleged misconduct;

2 (2) exonerated if the board or panel finds by a
3 preponderance of the evidence that the person who is the subject of
4 the complaint engaged in the action alleged in the complaint but the
5 action was not misconduct because the action was lawful and proper;

6 (3) unfounded if the board or panel finds by a
7 preponderance of the evidence that the person who is the subject of
8 the complaint did not commit the alleged misconduct;

9 (4) unsubstantiated if the board or panel finds that
10 the available evidence is insufficient to make a finding by a
11 preponderance of the evidence under Subdivision (1), (2), or (3);
12 or

13 (5) nonactionable if the board or panel finds that the
14 person who is the subject of the complaint is no longer a peace
15 officer or cannot be identified.

16 Sec. 143A.159. NOTICE OF BOARD'S OR PANEL'S DETERMINATION.

17 (a) A board shall notify the parties to the complaint of the
18 board's or panel's determination.

19 (b) The board shall notify the employer of the peace officer
20 who is the subject of the complaint of the board's or panel's
21 determination. If the board or panel finds that a complaint is
22 substantiated, the board or panel may recommend an appropriate
23 disciplinary action to the employer. If the employer fails to take
24 disciplinary action against the peace officer before the 30th day
25 after the date the board notifies the employer of the board's or
26 panel's determination, the board shall forward the case to the
27 district attorney, criminal district attorney, or county attorney,

1 as appropriate, or to the appropriate United States attorney.

2 SECTION 2. The initial members of a municipal civilian
3 complaint review board for peace officer misconduct shall be
4 appointed as provided by Section 143A.051, Local Government Code,
5 as added by this Act, not later than October 1, 2025.

6 SECTION 3. The change in law made by Chapter 143A, Local
7 Government Code, as added by this Act, applies only to misconduct
8 that occurs on or after October 1, 2025. Misconduct that occurs
9 before October 1, 2025, is governed by the law in effect when the
10 misconduct occurred, and the former law is continued in effect for
11 that purpose. For purposes of this section, misconduct occurred
12 after October 1, 2025, if any act or omission constituting part of
13 the misconduct occurred after that date.

14 SECTION 4. This Act takes effect September 1, 2025.