

By: Birdwell

S.B. No. 1573

A BILL TO BE ENTITLED

AN ACT

relating to a limitation on the use of certain unsubstantiated information relating to peace officer misconduct.

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

SECTION 1. The heading to Subchapter B, Chapter 2A, Code of Criminal Procedure, is amended to read as follows:

SUBCHAPTER B. POWERS AND DUTIES OF ~~[PEACE OFFICERS AND]~~ LAW ENFORCEMENT ~~[AGENCIES]~~

SECTION 2. Chapter 2A, Code of Criminal Procedure, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. POWERS AND DUTIES OF LAW ENFORCEMENT AND ATTORNEYS REPRESENTING THE STATE

Art. 2A.131. LIMITATION ON USE OF CERTAIN UNSUBSTANTIATED INFORMATION RELATING TO PEACE OFFICER MISCONDUCT. (a) In this article:

(1) "Attorney representing the state" means an attorney authorized by law to represent the state in a criminal case, including a district attorney, criminal district attorney, county attorney with criminal jurisdiction, or city or municipal attorney.

(2) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) A law enforcement agency may not disclose to an attorney

1 representing the state information relating to misconduct by a
2 peace officer who is or will serve as a witness in a criminal
3 proceeding unless the allegation of misconduct has been finally
4 adjudicated as sustained.

5 (c) When evaluating the credibility of a peace officer who
6 is serving or will serve as a witness in a criminal proceeding, the
7 attorney representing the state may not consider an allegation of
8 misconduct by the peace officer that has not been finally
9 adjudicated as sustained.

10 (d) For purposes of this article, an allegation of
11 misconduct by a peace officer is not considered finally adjudicated
12 as sustained if the allegation is currently under appeal through an
13 administrative process or judicial proceeding and the finder of
14 fact has not yet issued a finding.

15 (e) A peace officer who is the subject of a report of
16 misconduct submitted to an attorney representing the state by a law
17 enforcement agency or who has been notified of a determination by
18 the attorney representing the state that the officer is not
19 considered credible to testify in a criminal proceeding as a result
20 of an allegation of misconduct may dispute that report or
21 determination by filing a petition in district court in the county
22 in which the law enforcement agency is located. The attorney
23 representing the state shall provide specific details of the
24 allegation to the peace officer for purposes of a dispute made under
25 this subsection. On receiving a petition under this subsection,
26 the district court shall conduct a hearing to determine the
27 validity of the disputed allegation of misconduct in accordance

1 with Subsection (f).

2 (f) In a hearing under Subsection (e), the district court
3 shall determine by a preponderance of the evidence whether the
4 alleged misconduct occurred regardless of whether the applicable
5 officer was terminated or whether that officer resigned, retired,
6 or separated in lieu of termination. If the allegation of
7 misconduct is not supported by a preponderance of the evidence, the
8 court shall provide notice of the finding to any attorney
9 representing the state the petitioner identifies as having received
10 a report or as having made a determination as described by
11 Subsection (e). The attorney representing the state may not
12 consider the allegation of misconduct when evaluating the peace
13 officer's credibility as a witness.

14 SECTION 3. This Act takes effect September 1, 2025.