

BILL ANALYSIS

C.S.H.B. 2361
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Chapter 143, Local Government Code, establishes civil service requirements for fire fighters and police officers in cities with a population of 10,000 or more that have adopted that chapter, also styled as the "Fire Fighter and Police Officer Civil Service Act" ("the Act"), by local adoption election. Subchapter G of this chapter contains provisions applicable to municipalities with populations of 1.5 million or more and certain other municipalities. At this time, the Act applies to about 75 Texas cities, while Subchapter G of the Act, with two exceptions, applies only to the City of Houston.

Committee Substitute House Bill 2361 amends Section 143.123(f), which regulates investigations of fire fighters and police officers. At present, the complainant, the ultimate decisionmaker regarding discipline, and any person who has personal involvement regarding the alleged misconduct are prohibited from conducting an investigation. In addition, the fire fighter or police officer has the right to be informed of the names of each investigator. C.S.H.B. 2361 further requires the investigator to notify the fire fighter or police officer that they are under investigation within 30 days of receiving the complaint, and provides an exception to notification for criminal investigations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 143.123(e), Local Government Code, which prohibits certain individuals from being assigned to conduct an investigation and provides a right to be informed of the names of all investigators, by requiring the investigator to notify the affected fire fighter or police officer in writing of the nature of the investigation and the names of all complainants within 30 days of receiving the complaint. Provides an exception to this notification requirement in the event that a criminal investigation has been initiated as a result of the complaint, or such disclosure would hinder a criminal investigation.

SECTION 2. Effective date / prospective application.

EFFECTIVE DATE: September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original would have amended Section 143.123(f), Local Government Code, to require the investigator of a complaint to notify the affected fire fighter or police officer in writing of the nature of the investigation and the names of all complainants within 30 days of receiving the complaint. Committee Substitute House Bill 2361 amends Section 143.123(e), Local Government Code, to require the investigator of a complaint to notify the affected fire fighter or police officer in writing of the nature of the investigation and the names of all complainants within 30 days of receiving the complaint, and in addition, excepts from the notification requirement disclosures in the event that a criminal investigation has been initiated as a result of the complaint, or such when such disclosure would hinder a criminal investigation.

