

By: Bailey

H.B. No. 2361

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the investigation of a firefighter or police officer in
3 certain municipalities.

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

5 SECTION 1. Section 143.123(f), Local Government Code, is
6 amended to read as follows:

7 (f) Not later than the 30th day after a complaint is
8 received by an investigator and before the [Before an] investigator
9 may interrogate a fire fighter or police officer who is the subject
10 of an investigation, the investigator must inform the fire fighter
11 or police officer in writing of the nature of the investigation and
12 the name of each person who complained about the fire fighter or
13 police officer concerning the matters under investigation. An
14 investigator may not conduct an interrogation of a fire fighter or
15 police officer based on a complaint by a complainant who is not a
16 peace officer unless the complainant verifies the complaint in
17 writing before a public officer who is authorized by law to take
18 statements under oath. In an investigation authorized under this
19 subsection, an investigator may interrogate a fire fighter or
20 police officer about events or conduct reported by a witness who is
21 not a complainant without disclosing the name of the witness. Not
22 later than the 48th hour before the hour on which an investigator
23 begins to interrogate a fire fighter or police officer regarding an
24 allegation based on a complaint, affidavit, or statement, the

1 investigator shall give the fire fighter or police officer a copy of
2 the affidavit, complaint, or statement. An interrogation may be
3 based on a complaint from an anonymous complainant if the
4 departmental employee receiving the anonymous complaint certifies
5 in writing, under oath, that the complaint was anonymous. This
6 subsection does not apply to an on-the-scene investigation that
7 occurs immediately after an incident being investigated if the
8 limitations of this subsection would unreasonably hinder the
9 essential purpose of the investigation or interrogation. If the
10 limitation would hinder the investigation or interrogation, the
11 fire fighter or police officer under investigation must be
12 furnished, as soon as practicable, a written statement of the
13 nature of the investigation, the name of each complaining party,
14 and the complaint, affidavit, or statement.

15 SECTION 2. This Act takes effect September 1, 2003, and
16 applies only to a complaint received by an investigator on or after
17 that date.