

By: Bailey

H.B. No. 2828

A BILL TO BE ENTITLED

AN ACT

relating to complaints against certain peace officers and fire fighters.

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

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

SUBCHAPTER B. COMPLAINT AGAINST LAW ENFORCEMENT OFFICER OR FIRE FIGHTER

Sec. 614.021. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a complaint against:

(1) a law enforcement officer of the State of Texas, including an officer of the Department of Public Safety or of the Texas Alcoholic Beverage Commission;

(2) a fire fighter who is employed by the state or a political subdivision of the state [~~not covered by a civil service statute~~]; or

(3) a peace [~~police~~] officer under Article 2.12, Code of Criminal Procedure, or other law who is appointed or employed by a political subdivision of the state [~~not covered by a civil service statute~~].

Sec. 614.022. COMPLAINT TO BE IN WRITING AND SIGNED BY COMPLAINANT. To be considered by the head of a state agency or by the head of a fire [~~or police~~] department or local law enforcement agency, the complaint must be:

1 (1) in writing; and

2 (2) signed by the person making the complaint.

3 Sec. 614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR
4 EMPLOYEE. (a) A copy of a signed complaint against a law
5 enforcement officer of the state, fire fighter, or peace [~~police~~]
6 officer appointed or employed by a political subdivision shall be
7 given to the officer or employee within a reasonable time after the
8 complaint is filed.

9 (b) Disciplinary action may not be taken against the officer
10 or employee unless:

11 (1) a copy of the signed complaint is given to the
12 officer or employee;

13 (2) the complaint is investigated; and

14 (3) there is sufficient evidence to prove the
15 allegation of misconduct.

16 SECTION 2. The change in law made by this Act applies only
17 in relation to a complaint filed on or after the effective date of
18 this Act. A complaint filed before the effective date of this Act
19 is governed by the law in effect on the date the complaint was
20 filed, and the former law is continued in effect for that purpose.

21 SECTION 3. This Act takes effect September 1, 2003.