

1-1 By: Gallegos S.B. No. 633
1-2 (In the Senate - Filed February 21, 2003; February 27, 2003,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 7, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 1;
1-6 April 7, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 633 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the investigation of a firefighter or police officer in
1-11 certain municipalities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (f), Section 143.123, Local
1-14 Government Code, is amended to read as follows:

1-15 (f) Not later than the 30th day after a complaint is
1-16 received by an investigator and before the ~~Before an~~ investigator
1-17 may interrogate a fire fighter or police officer who is the subject
1-18 of an investigation, the investigator must inform the fire fighter
1-19 or police officer in writing of the nature of the investigation and
1-20 the name of each person who complained about the fire fighter or
1-21 police officer concerning the matters under investigation. An
1-22 investigator may not conduct an interrogation of a fire fighter or
1-23 police officer based on a complaint by a complainant who is not a
1-24 peace officer unless the complainant verifies the complaint in
1-25 writing before a public officer who is authorized by law to take
1-26 statements under oath. In an investigation authorized under this
1-27 subsection, an investigator may interrogate a fire fighter or
1-28 police officer about events or conduct reported by a witness who is
1-29 not a complainant without disclosing the name of the witness. Not
1-30 later than the 48th hour before the hour on which an investigator
1-31 begins to interrogate a fire fighter or police officer regarding an
1-32 allegation based on a complaint, affidavit, or statement, the
1-33 investigator shall give the fire fighter or police officer a copy of
1-34 the affidavit, complaint, or statement. An interrogation may be
1-35 based on a complaint from an anonymous complainant if the
1-36 departmental employee receiving the anonymous complaint certifies
1-37 in writing, under oath, that the complaint was anonymous. This
1-38 subsection does not apply to an on-the-scene investigation that
1-39 occurs immediately after an incident being investigated if the
1-40 limitations of this subsection would unreasonably hinder the
1-41 essential purpose of the investigation or interrogation. If the
1-42 limitation would hinder the investigation or interrogation, the
1-43 fire fighter or police officer under investigation must be
1-44 furnished, as soon as practicable, a written statement of the
1-45 nature of the investigation, the name of each complaining party,
1-46 and the complaint, affidavit, or statement.

1-47 SECTION 2. This Act takes effect September 1, 2003, and
1-48 applies only to a complaint received by an investigator on or after
1-49 that date.

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