

BILL ANALYSIS

H.B. 639
By: Bailey
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Subchapter B of Chapter 614, Government Code, requires that complaints against law enforcement officers employed by the state, and police officers or fire fighters not covered by a civil service statute be in writing and signed by the complainant. The statute also provides that disciplinary action may not be taken against a covered employee unless a copy of the complaint is given to the employee. The statute does not require that complaints be investigated or that sufficient evidence exist when disciplinary action is taken against an employee based on a complaint. The current statute is also unclear in that it does not sufficiently cover all peace officers employed by political subdivisions of the state.

House Bill 639 would apply procedures for investigating complaints against state law enforcement officers and all peace officers or fire fighters of political subdivisions regardless of being covered by civil service statutes. In addition, the bill requires complaints against officers to have a moderate level of merit before disciplinary action may be taken.

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.

ANALYSIS

House Bill 639 amends Section 614.021, Government Code, to provide that the subchapter applies to a fire fighter and peace officer employed by a political subdivision of the state whether or not the person is covered by a civil service statute by designating application of this subchapter to "peace officers" as persons defined under Article 2.12, Code of Criminal Procedure rather than "police officers".

The bill amends Section 614.023, Government Code, to provide that disciplinary action may not be taken against a law enforcement officer of the state, fire fighter or peace officer employed by a political subdivision until the complaint is provided to the employee, the complaint is investigated and sufficient evidence to prove the allegation of misconduct exists.

The change in law made by this act applies only to a complaint filed on or after the effective date of the Act.

EFFECTIVE DATE

This Act takes effect September 1, 2005.