

By: Bailey, et al.

H.B. No. 639

A BILL TO BE ENTITLED

AN ACT

relating to complaints against certain peace officers, fire fighters, detention officers, and county jailers.

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. (a) Except as provided by Subsection (b), this ~~[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 this state or a political subdivision of this 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 this state; or

(4) a detention officer or county jailer who is appointed or employed by a political subdivision of this state ~~[not covered by a civil service statute].~~

(b) This subchapter does not apply to a peace officer or

1 fire fighter appointed or employed by a political subdivision that
2 is covered by a meet and confer or collective bargaining agreement
3 under Chapter 143 or 174, Local Government Code, if that agreement
4 includes provisions relating to the investigation of, and
5 disciplinary action resulting from, a complaint against a peace
6 officer or fire fighter, as applicable.

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

11 (1) in writing; and

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

13 Sec. 614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR
14 EMPLOYEE. (a) A copy of a signed complaint against a law
15 enforcement officer of this state or a [7] fire fighter, detention
16 officer, county jailer, or peace [~~police~~] officer appointed or
17 employed by a political subdivision of this state shall be given to
18 the officer or employee within a reasonable time after the
19 complaint is filed.

20 (b) Disciplinary action may not be taken against the officer
21 or employee unless a copy of the signed complaint is given to the
22 officer or employee.

23 (c) In addition to the requirement of Subsection (b), the
24 officer or employee may not be indefinitely suspended or terminated
25 from employment based on the subject matter of the complaint
26 unless:

27 (1) the complaint is investigated; and

1 (2) there is evidence to prove the allegation of
2 misconduct.

3 SECTION 2. The change in law made by this Act applies only
4 in relation to a complaint filed on or after the effective date of
5 this Act. A complaint filed before the effective date of this Act
6 is governed by the law in effect on the date the complaint was
7 filed, and the former law is continued in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2005.