

By: Bailey

H.B. No. 639

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 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 ~~[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 this state, fire fighter employed by this  
6 state or a political subdivision of this state, or peace [~~police~~]  
7 officer appointed or employed by a political subdivision of this  
8 state shall be given to the officer or employee within a reasonable  
9 time after the complaint is filed.

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

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

14           (2) the complaint is investigated; and

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

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

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