

1-1 By: Bailey, et al. (Senate Sponsor - Barrientos) H.B. No. 639
1-2 (In the Senate - Received from the House March 10, 2005;
1-3 March 30, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 12, 2005, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 12, 2005, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to complaints against certain peace officers, fire
1-10 fighters, detention officers, and county jailers.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 614, Government Code, is
1-13 amended to read as follows:

1-14 SUBCHAPTER B. COMPLAINT AGAINST LAW ENFORCEMENT OFFICER
1-15 OR FIRE FIGHTER

1-16 Sec. 614.021. APPLICABILITY OF SUBCHAPTER. (a) Except as
1-17 provided by Subsection (b), this [~~This~~] subchapter applies only to
1-18 a complaint against:

1-19 (1) a law enforcement officer of the State of Texas,
1-20 including an officer of the Department of Public Safety or of the
1-21 Texas Alcoholic Beverage Commission;

1-22 (2) a fire fighter who is employed by this state or a
1-23 political subdivision of this state [~~not covered by a civil service~~
1-24 ~~statute~~]; [~~or~~]

1-25 (3) a peace [~~police~~] officer under Article 2.12, Code
1-26 of Criminal Procedure, or other law who is appointed or employed by
1-27 a political subdivision of this state; or

1-28 (4) a detention officer or county jailer who is
1-29 appointed or employed by a political subdivision of this state [~~not~~
1-30 ~~covered by a civil service statute~~].

1-31 (b) This subchapter does not apply to a peace officer or
1-32 fire fighter appointed or employed by a political subdivision that
1-33 is covered by a meet and confer or collective bargaining agreement
1-34 under Chapter 143 or 174, Local Government Code, if that agreement
1-35 includes provisions relating to the investigation of, and
1-36 disciplinary action resulting from, a complaint against a peace
1-37 officer or fire fighter, as applicable.

1-38 Sec. 614.022. COMPLAINT TO BE IN WRITING AND SIGNED BY
1-39 COMPLAINANT. To be considered by the head of a state agency or by
1-40 the head of a fire [~~or police~~] department or local law enforcement
1-41 agency, the complaint must be:

1-42 (1) in writing; and

1-43 (2) signed by the person making the complaint.

1-44 Sec. 614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR
1-45 EMPLOYEE. (a) A copy of a signed complaint against a law
1-46 enforcement officer of this state or a [~~7~~] fire fighter, detention
1-47 officer, county jailer, or peace [~~police~~] officer appointed or
1-48 employed by a political subdivision of this state shall be given to
1-49 the officer or employee within a reasonable time after the
1-50 complaint is filed.

1-51 (b) Disciplinary action may not be taken against the officer
1-52 or employee unless a copy of the signed complaint is given to the
1-53 officer or employee.

1-54 (c) In addition to the requirement of Subsection (b), the
1-55 officer or employee may not be indefinitely suspended or terminated
1-56 from employment based on the subject matter of the complaint
1-57 unless:

1-58 (1) the complaint is investigated; and

1-59 (2) there is evidence to prove the allegation of
1-60 misconduct.

1-61 SECTION 2. The change in law made by this Act applies only
1-62 in relation to a complaint filed on or after the effective date of
1-63 this Act. A complaint filed before the effective date of this Act
1-64 is governed by the law in effect on the date the complaint was

2-1 filed, and the former law is continued in effect for that purpose.
2-2 SECTION 3. This Act takes effect September 1, 2005.

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