

BILL ANALYSIS

S.B. 740
By: Whitmire
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 740 provides peace officers of the Department of Public Safety (DPS) with the same protection provided to peace officers who operate under a civil service system under Section 143.089(f) and (g), Local Government Code, which renders the personnel records of those peace officers confidential with the exception of information relating to commendations, confirmed complaints, disciplinary actions, and basic employment details.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.00755, as follows:

Sec. 411.00755. PERSONNEL RECORDS OF COMMISSIONED OFFICERS. (a) Defines "personnel record" and "disciplinary action."

(b) Prohibits the personnel records of a commissioned officer of the Department of Public Safety (DPS) from being disclosed or made available to the public, notwithstanding Chapter 552, except that DPS is required to release certain information. Sets forth the information about a commissioned officer that DPS is required to release.

(c) Authorizes DPS to release any personnel record of a commissioned officer under certain circumstances.

(d) Provides that a release of information under Subsection (c) does not waive the right to assert in the future that the information is excepted from required disclosure under this section or other law.

SECTION 2. Amends Section 411.0072(c), Government Code, to make a conforming change.

SECTION 3. Effective date: upon passage or September 1, 2007.

EFFECTIVE DATE

Immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this does not receive the votes necessary for immediate effect, this Act takes effect September 1, 2007.