

By: Bailey

H.B. No. 1561

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the investigation of a firefighter in certain  
3 municipalities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 143.123(e), Local Government Code, is  
6 amended to read as follows:

7 (e) A person may not be assigned to conduct an investigation  
8 if the person is the complainant, the ultimate decisionmaker  
9 regarding disciplinary action, or a person who has any personal  
10 involvement regarding the alleged misconduct. A fire fighter or  
11 police officer who is the subject of an investigation has the right  
12 to inquire and, on inquiry, to be informed of the identities of each  
13 investigator participating in an interrogation of the fire fighter  
14 or police officer. Not later than the 30th day after the date that a  
15 complaint is received by an investigator, the investigator must  
16 inform the fire fighter in writing of the nature of the  
17 investigation and the name of each person who complained about the  
18 fire fighter, if known, concerning the matters under investigation  
19 unless:

20 (1) a criminal investigation has been initiated as a  
21 result of the complaint; or

22 (2) the disclosure of information concerning the name  
23 of the complainant or the matters under investigation would hinder  
24 a criminal investigation.

1           SECTION 2. This Act applies only to a complaint received by  
2 an investigator on or after the effective date of the Act.

3           SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2007.