

By: Bailey

H.B. No. 1561

A BILL TO BE ENTITLED

1 AN ACT

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  
8 investigation if the person is the complainant, the ultimate  
9 decision maker regarding disciplinary action, or a person who has  
10 any personal involvement regarding the alleged misconduct. A fire  
11 fighter or police officer who is the subject of an investigation has  
12 the right to inquire and, on inquiry, to be informed of the  
13 identities of each investigator participating in an interrogation  
14 of the fire fighter or police officer. Not later than the 30th day  
15 after the date that a complaint is received by an investigator, the  
16 investigator must inform the fire fighter in writing of the nature  
17 of the investigation and the name of each person who complained  
18 about the fire fighter, if known, concerning the matters under  
19 investigation 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 takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2007. This Act applies only to a  
6 complaint received by an investigator on or after the effective  
7 date of the Act.