

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 21, 2007

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1422 by Driver (Relating to the personnel records of commissioned officers of the Department of Public Safety.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to the personnel records of commissioned officers of the Department of Public Safety (DPS).

The bill adds Government Code, Section 411.00755, Personnel Records of Commissioned Officers, which further defines the terms "personnel record" and "disciplinary action".

The bill states that the personnel records of a commissioned officer of the DPS may not be disclosed or made available to the public except DPS shall release any letter, memorandum, or documents relating to a commendation, congratulation, or honor bestowed on the officer; any letter, memorandum, or documents relating to misconduct by the officer if the letter, memorandum, or document resulted in disciplinary action; an officer's state employment application; any officer reference letter; any officer recommendation; any officer employment contract; any periodic officer evaluation by a supervisor; any document recording an officer promotion or demotion; any officer leave request; any officer request for transfers of shift or duty assignments; and any documents presented to the DPS commission in connection with a public hearing.

The bill states that the personnel records of a commissioned officer of DPS may not be disclosed or made available to the public except for the following information about the officer: name, age, dates of employment, positions held, gross salary, and information about the location of duty assignments. DPS may release any personnel record pursuant to a subpoena or court order, for use by the agency in an administrative hearing, or with the written authorization of the officer in the record. The bill states that the release of information does not waive the right to exempt disclosure of personnel information in the future. The bill would take effect on September 1, 2007.

The Department of Public Safety anticipates no fiscal impact to the agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ES, GG, LG