

By: Gallegos

S.B. No. 460

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to information regarding a firefighter or police
3 officer under the municipal civil service law.

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

5 SECTION 1. Section 143.010, Local Government Code, is
6 amended by adding Subsections (c-1) and (c-2) to read as follows:

7 (c-1) The following information relating to a hearing,
8 review, or appeal is privileged and confidential, regardless of
9 whether the person representing the fire fighter or police officer
10 under Subsection (c) is an attorney:

11 (1) the communications, including conversations,
12 correspondence, and electronic communications, between a fire
13 fighter or police officer and the person representing the fire
14 fighter or police officer under Subsection (c); and

15 (2) the work product of the person representing the
16 fire fighter or police officer under Subsection (c).

17 (c-2) Information described by Subsection (c-1):

18 (1) is not subject to discovery, subpoena, or other
19 means of legal compulsion for its release;

20 (2) is not subject to disclosure under Chapter 552,
21 Government Code; and

22 (3) may not be disclosed to another person, including
23 a party to a hearing, appeal, or review, without the permission of
24 the fire fighter or the police officer.

1 SECTION 2. Section 143.089, Local Government Code, is
2 amended by amending Subsection (g) and adding Subsections (h) and
3 (i) to read as follows:

4 (g) A fire or police department may maintain a department
5 ~~[personnel]~~ file on a fire fighter or police officer employed by the
6 department for the department's use. Except as provided by
7 Subsection (i), ~~[but]~~ the department may not release any
8 information contained in the department file to any agency or
9 person requesting information relating to a fire fighter or police
10 officer.

11 (h) The department shall refer to the director or the
12 director's designee a person or agency that requests information
13 that is maintained about a fire fighter or police officer. Any
14 release of information in the fire fighter's or police officer's
15 personnel file is governed by Subsection (f). Any release of
16 information in the fire fighter's or police officer's department
17 file is governed by Subsections (g) and (i).

18 (i) A fire fighter or police officer is entitled to view the
19 contents of the person's department file maintained under
20 Subsection (g) and is entitled, on request, to a copy of any
21 document in the person's department file.

22 SECTION 3. (a) Sections 143.010(c-1) and (c-2), Local
23 Government Code, as added by this Act, apply to a release or
24 disclosure of information on or after the effective date of this
25 Act. A release or disclosure of information before the effective
26 date of this Act is governed by the law in effect on the date of the
27 release or disclosure, and the former law is continued in effect for

1 that purpose.

2 (b) The changes in law made by this Act to Section 143.089,
3 Local Government Code, apply to a request to view or obtain a copy
4 of information made on or after the effective date of this Act.
5 Section 143.089(i), Local Government Code, as added by this Act,
6 applies to the entire contents of a department file regardless of
7 the date on which a document or other information was placed in the
8 department file.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.