

BILL ANALYSIS

H.B. 2006
By: Bonnen
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As it stands currently, the Texas Office of Attorney General interprets current law to mean photographs of officers must be released, unless good cause, such as endangerment to the officer, can be shown. Therefore, photographs must be released unless the applicable law enforcement department can show otherwise.

Photographs of law enforcement officers, especially those who frequently go undercover, in the hands of criminals could harm the ability of that officer to perform his or her duties and pose a danger to their lives and the lives of their families.

H.B.2006 would establish that officer photographs are protected materials. Further, the bill would restrict the release of such photographs to four specific circumstances in order to provide an adequate balance between the freedom of information and the maintenance of officer safety: 1) If the officer has been charged with an offence by indictment or by information; 2) If the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration; 3) If the photograph is introduced as evidence in a judicial proceeding; or 4) If the officer gives written consent to the release of the photograph.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends the heading to Section 143.1214, Local Government Code, by amending the heading to include photographs and to read, RECORDS RELATED TO DISCIPLINARY ACTIONS OR CHARGES OF MISCONDUCT; PHOTOGRAPHS.

SECTION 2. Amends Section 143.1214 of the Local Government Code by amending Subsections (a) and (e) and adding Subsection (f). The bill provides that under Subsection (a) records of an internal affairs division or other similar internal investigative division be expunged. Further, the bill provides that under Subsection(e), the requirements of this section are in addition to the requirements of Section 143.089. This section does not prevent a fire fighter or police officer from obtaining access to any personnel file maintained by the director or the department, other than a file maintained by an internal affairs division or other similar internal investigative division, on the fire fighter or police officer under Section 143.089. Lastly, the bill adds Subsection(f) which provides that the department, commission, or municipality may not release a photograph that depicts a police officer unless: (1) the officer has been charged with an offense by indictment or by information; (2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration; (3) the photograph is introduced as evidence in a judicial proceeding; or (4) the officer gives written consent to the release of the photograph.

SECTION 3. The Act takes effect September 1, 2011.

EFFECTIVE DATE

September 1, 2011