

By: Miles

H.B. No. 1472

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the retention of and the required disclosure under the
3 public information law of certain complaints alleging official
4 oppression.

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

6 SECTION 1. Subchapter A, Chapter 143, Local Government
7 Code, is amended by adding Section 143.017 to read as follows:

8 Sec. 143.017. RETENTION OF COMPLAINT. (a) A complaint
9 filed against a fire fighter or police officer alleging conduct by
10 the fire fighter or police officer constituting official oppression
11 under Section 39.03, Penal Code, must be retained by the employing
12 department of the municipality as long as the fire fighter or police
13 officer remains employed by the municipality.

14 (b) The complaint is public information and may not be
15 excepted from disclosure under Section 552.108, Government Code.

16 (c) This section prevails over:

17 (1) any other provision of law; and

18 (2) any conflicting provision in a collective
19 bargaining agreement entered into under this chapter.

20 SECTION 2. Subchapter A, Chapter 174, Local Government
21 Code, is amended by adding Section 174.009 to read as follows:

22 Sec. 174.009. RETENTION OF COMPLAINT. (a) A complaint
23 filed against a fire fighter or police officer alleging conduct by
24 the fire fighter or police officer constituting official oppression

1 under Section 39.03, Penal Code, must be retained by the employing
2 department of the political subdivision as long as the fire fighter
3 or police officer remains employed by the political subdivision.

4 (b) The complaint is public information and may not be
5 excepted from disclosure under Section 552.108, Government Code.

6 (c) This section prevails over:

7 (1) any other provision of law; and

8 (2) any conflicting provision in a collective
9 bargaining agreement entered into under this chapter.

10 SECTION 3. Section 552.108(c), Government Code, is amended
11 to read as follows:

12 (c) This section does not:

13 (1) except from the requirements of Section 552.021
14 information that is basic information about an arrested person, an
15 arrest, or a crime; or

16 (2) apply to a complaint described by Section 143.017
17 or 174.009, Local Government Code, or Section 614.024 of this code
18 that is used by a law enforcement agency or prosecutor in the
19 detection, investigation, or prosecution of a crime.

20 SECTION 4. Subchapter B, Chapter 614, Government Code, is
21 amended by adding Section 614.024 to read as follows:

22 Sec. 614.024. RETENTION OF COMPLAINT. (a) If a complaint
23 alleges conduct by a law enforcement officer of this state or a fire
24 fighter, detention officer, county jailer, or peace officer
25 appointed or employed by a political subdivision of this state
26 constituting official oppression under Section 39.03, Penal Code,
27 the complaint must be retained on file by the employing state agency

1 or employing or appointing department of the political subdivision
2 as long as the person remains employed by the state or employed or
3 appointed by the political subdivision.

4 (b) The complaint is public information and may not be
5 excepted from disclosure under Section 552.108.

6 SECTION 5. Sections 143.017 and 174.009, Local Government
7 Code, as added by this Act, apply only to a contract executed on or
8 after the effective date of this Act. A contract executed before
9 the effective date of this Act is governed by the law as it existed
10 on the date the contract was executed, and the former law is
11 continued in effect for that purpose.

12 SECTION 6. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2011.