

AN ACT

relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

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

SECTION 1. Subchapter F, Chapter 143, Local Government Code, is amended by adding Section 143.090 to read as follows:

Sec. 143.090. RELEASE OF PHOTOGRAPHS OF POLICE OFFICERS. A 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 2. Sections 143.1214(a) and (e), Local Government Code, are amended to read as follows:

(a) The human resources director for the department promptly shall order that the records of a disciplinary action that was taken against a fire fighter or police officer be expunged from each file maintained on the fire fighter or police officer by the

1 department if the disciplinary action was entirely overturned on  
2 appeal by the commission, an independent third-party hearing  
3 examiner, or a court of competent jurisdiction. Documents that  
4 must be expunged under this subsection include all documents that  
5 indicate disciplinary action was recommended or taken against the  
6 fire fighter or police officer, such as the recommendations of a  
7 disciplinary committee or a letter of suspension. This subsection  
8 does not apply if the fire fighter or police officer is charged with  
9 using excessive force that results in a death or injury and the  
10 charge is being investigated by a law enforcement or criminal  
11 justice agency other than the department. This subsection does not  
12 require that records of an [the] internal affairs division or other  
13 similar internal investigative division be expunged.

14 (e) The requirements of this section are in addition to the  
15 requirements of Section 143.089. This section does not prevent a  
16 fire fighter or police officer from obtaining access to any  
17 personnel file maintained by the director or the department, other  
18 than a file maintained by an [the] internal affairs division or  
19 other similar internal investigative division, on the fire fighter  
20 or police officer under Section 143.089.

21 SECTION 3. This Act takes effect September 1, 2011.

H.B. No. 2006

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2006 was passed by the House on May 12, 2011, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2006 was passed by the Senate on May 24, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor