

1-1 By: Bonnen (Senate Sponsor - Huffman) H.B. No. 2006
1-2 (In the Senate - Received from the House May 13, 2011;
1-3 May 13, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2011, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 19, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the release of a photograph of a police officer and
1-9 access to records maintained by internal investigative divisions in
1-10 certain municipalities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter F, Chapter 143, Local Government
1-13 Code, is amended by adding Section 143.090 to read as follows:

1-14 Sec. 143.090. RELEASE OF PHOTOGRAPHS OF POLICE OFFICERS. A
1-15 department, commission, or municipality may not release a
1-16 photograph that depicts a police officer unless:

1-17 (1) the officer has been charged with an offense by
1-18 indictment or by information;

1-19 (2) the officer is a party in a civil service hearing
1-20 or a case before a hearing examiner or in arbitration;

1-21 (3) the photograph is introduced as evidence in a
1-22 judicial proceeding; or

1-23 (4) the officer gives written consent to the release
1-24 of the photograph.

1-25 SECTION 2. Sections 143.1214(a) and (e), Local Government
1-26 Code, are amended to read as follows:

1-27 (a) The human resources director for the department
1-28 promptly shall order that the records of a disciplinary action that
1-29 was taken against a fire fighter or police officer be expunged from
1-30 each file maintained on the fire fighter or police officer by the
1-31 department if the disciplinary action was entirely overturned on
1-32 appeal by the commission, an independent third-party hearing
1-33 examiner, or a court of competent jurisdiction. Documents that
1-34 must be expunged under this subsection include all documents that
1-35 indicate disciplinary action was recommended or taken against the
1-36 fire fighter or police officer, such as the recommendations of a
1-37 disciplinary committee or a letter of suspension. This subsection
1-38 does not apply if the fire fighter or police officer is charged with
1-39 using excessive force that results in a death or injury and the
1-40 charge is being investigated by a law enforcement or criminal
1-41 justice agency other than the department. This subsection does not
1-42 require that records of an [the] internal affairs division or other
1-43 similar internal investigative division be expunged.

1-44 (e) The requirements of this section are in addition to the
1-45 requirements of Section 143.089. This section does not prevent a
1-46 fire fighter or police officer from obtaining access to any
1-47 personnel file maintained by the director or the department, other
1-48 than a file maintained by an [the] internal affairs division or
1-49 other similar internal investigative division, on the fire fighter
1-50 or police officer under Section 143.089.

1-51 SECTION 3. This Act takes effect September 1, 2011.

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