

By: Huffman

S.B. No. 484

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the release of a photograph of a police officer and
3 access to records maintained by internal investigative divisions in
4 certain municipalities.

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

6 SECTION 1. The heading to Section 143.1214, Local
7 Government Code, is amended to read as follows:

8 Sec. 143.1214. RECORDS RELATED TO DISCIPLINARY ACTIONS OR
9 CHARGES OF MISCONDUCT; PHOTOGRAPHS.

10 SECTION 2. Section 143.1214, Local Government Code, is
11 amended by amending Subsections (a) and (e) and adding Subsection
12 (f) to read as follows:

13 (a) The human resources director for the department
14 promptly shall order that the records of a disciplinary action that
15 was taken against a firefighter or police officer be expunged from
16 each file maintained on the fire fighter or police officer by the
17 department if the disciplinary action was entirely overturned on
18 appeal by the commission, an independent third-party hearing
19 examiner, or a court of competent jurisdiction. Documents that
20 must be expunged under this subsection include all documents that
21 indicate disciplinary action was recommended or taken against the
22 fire fighter or police officer, such as the recommendations of a
23 disciplinary committee or a letter of suspension. This subsection
24 does not apply if the fire fighter or police officer is charged with

1 using excessive force that results in a death or injury and the
2 charge is being investigated by a law enforcement or criminal
3 justice agency other than the department. This subsection does not
4 require that records of an [the] internal affairs division or other
5 similar internal investigative division be expunged.

6 (e) The requirements of this section are in addition to the
7 requirements of Section 143.089. This section does not prevent a
8 fire fighter or police officer from obtaining access to any
9 personnel file maintained by the director or the department, other
10 than a file maintained by an [the] internal affairs division or
11 other similar internal investigative division, on the fire fighter
12 or police officer under Section 143.089.

13 (f) The department, commission, or municipality may not
14 release a photograph that depicts a police officer unless:

15 (1) the officer has been charged with an offense by
16 indictment or by information;

17 (2) the officer is a party in a civil service hearing
18 or a case before a hearing examiner or in arbitration;

19 (3) the photograph is introduced as evidence in a
20 judicial proceeding; or

21 (4) the officer gives written consent to the release
22 of the photograph.

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