

BILL ANALYSIS

C.S.H.B. 2174
By: Walle
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law establishes civil service requirements for fire fighters and police officers in certain municipalities that provide an administrative framework for investigation of complaints against police officers and fire fighters. C.S.H.B. 2174 seeks to amend the notification requirements regarding an investigation of a fire fighter who is the subject of a complaint.

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

C.S.H.B. 2174 amends Local Government Code provisions relating to civil service for fire fighters and police officers in certain municipalities to require that a fire fighter who is the subject of an investigation be notified in writing and provided certain information regarding the investigation not later than the 30th day after the date that the complaint is received by the entity designated by the municipality's fire department to receive and investigate complaints against a firefighter, rather than the 30th day after the date that the complaint is received by an investigator, and to remove the specification that the investigator so inform the fire fighter. The bill authorizes the notice to be provided by delivery in person to the firefighter or by sending the notice, certified mail, return receipt requested, addressed to the fire fighter at the last residence address shown by the records of the municipality.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2174 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 143.123(e), Local Government Code, is amended to read as follows:

(e) A person may not be assigned to conduct an investigation if the person is the complainant, the ultimate decisionmaker

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 143.123, Local Government Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) A person may not be assigned to conduct an investigation if the person is the complainant, the ultimate decisionmaker

83R 23632

13.108.847

Substitute Document Number: 83R 21275

regarding disciplinary action, or a person who has any personal involvement regarding the alleged misconduct. A fire fighter or police officer who is the subject of an investigation has the right to inquire and, on inquiry, to be informed of the identities of each investigator participating in an interrogation of the fire fighter or police officer. Not later than the 30th day after the date that a complaint is received by the municipality ~~[an investigator]~~, the investigator assigned must inform the fire fighter in writing of the nature of the investigation and the name of each person who complained about the fire fighter, if known, concerning the matters under investigation unless:

- (1) a criminal investigation has been initiated as a result of the complaint; or
- (2) the disclosure of information concerning the name of the complainant or the matters under investigation would hinder a criminal investigation.

SECTION 2. Section 143.123(e), Local Government Code, as amended by this Act, applies only to a complaint filed on or after September 1, 2013. A complaint filed before September 1, 2013, is governed by the law in effect when the complaint was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

regarding disciplinary action, or a person who has any personal involvement regarding the alleged misconduct. A fire fighter or police officer who is the subject of an investigation has the right to inquire and, on inquiry, to be informed of the identities of each investigator participating in an interrogation of the fire fighter or police officer. Not later than the 30th day after the date that a complaint is received by the entity designated by the municipality's fire department to receive and investigate complaints against a fire fighter ~~[an investigator]~~, ~~[the investigator must inform]~~ the fire fighter must be notified in writing of the nature of the investigation and the name of each person who complained about the fire fighter, if known, concerning the matters under investigation unless:

- (1) a criminal investigation has been initiated as a result of the complaint; or
- (2) the disclosure of information concerning the name of the complainant or the matters under investigation would hinder a criminal investigation.

(e-1) Notice under Subsection (e) may be provided by delivering the notice in person to the fire fighter or by sending the notice, certified mail, return receipt requested, addressed to the fire fighter at the last residence address shown by the records of the municipality.

SECTION 2. Substantially the same as introduced version.

SECTION 3. Same as introduced version.