

By: Walle

H.B. No. 2174

Substitute the following for H.B. No. 2174:

By: Dutton

C.S.H.B. No. 2174

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the investigation of firefighters in certain
3 municipalities.

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

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

8 (e) A person may not be assigned to conduct an investigation
9 if the person is the complainant, the ultimate decisionmaker
10 regarding disciplinary action, or a person who has any personal
11 involvement regarding the alleged misconduct. A fire fighter or
12 police officer who is the subject of an investigation has the right
13 to inquire and, on inquiry, to be informed of the identities of each
14 investigator participating in an interrogation of the fire fighter
15 or police officer. Not later than the 30th day after the date that a
16 complaint is received by the entity designated by the
17 municipality's fire department to receive and investigate
18 complaints against a fire fighter [~~an investigator~~], [~~the~~
19 ~~investigator must inform~~] the fire fighter must be notified in
20 writing of the nature of the investigation and the name of each
21 person who complained about the fire fighter, if known, concerning
22 the matters under investigation unless:

23 (1) a criminal investigation has been initiated as a
24 result of the complaint; or

1 (2) the disclosure of information concerning the name
2 of the complainant or the matters under investigation would hinder
3 a criminal investigation.

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

9 SECTION 2. The changes in law made by this Act apply only to
10 a complaint filed on or after September 1, 2013. A complaint filed
11 before September 1, 2013, is governed by the law in effect when the
12 complaint was filed, and the former law is continued in effect for
13 that purpose.

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