

By: Miles

H.B. No. 3354

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the retention of and the required disclosure under the  
3 public information law of certain complaints alleging official  
4 oppression.

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

6 SECTION 1. Subchapter J, Chapter 143, Local Government  
7 Code, is amended by adding Section 143.364 to read as follows:

8 Sec. 143.364. RETENTION OF COMPLAINT. (a) A complaint  
9 filed against a police officer alleging conduct by the police  
10 officer constituting official oppression under Section 39.03,  
11 Penal Code, must be retained by the employing department of the  
12 municipality as long as the police officer remains employed by the  
13 municipality.

14 (b) The complaint is public information and may not be  
15 excepted from disclosure under Section 552.108, Government Code.

16 (c) This section prevails over:

17 (1) any other provision of law; and

18 (2) any conflicting provision in an agreement entered  
19 into under this subchapter.

20 SECTION 2. Subchapter A, Chapter 174, Local Government  
21 Code, is amended by adding Section 174.009 to read as follows:

22 Sec. 174.009. RETENTION OF COMPLAINT BY CERTAIN  
23 MUNICIPALITIES. (a) This section applies only to a municipality  
24 with a population of two million or more.

1       (b) A complaint filed against a police officer alleging  
2 conduct by the police officer constituting official oppression  
3 under Section 39.03, Penal Code, must be retained by the employing  
4 department of the political subdivision as long as the police  
5 officer remains employed by the political subdivision.

6       (c) The complaint is public information and may not be  
7 excepted from disclosure under Section 552.108, Government Code.

8       (d) This section prevails over:

9           (1) any other provision of law; and

10          (2) any conflicting provision in a collective  
11 bargaining agreement entered into under this chapter.

12       SECTION 3. Section 552.108(c), Government Code, is amended  
13 to read as follows:

14       (c) This section does not:

15           (1) except from the requirements of Section 552.021  
16 information that is basic information about an arrested person, an  
17 arrest, or a crime; or

18           (2) apply to a complaint described by Section 143.364  
19 or 174.009, Local Government Code, or Section 614.024 of this code  
20 that is used by a law enforcement agency or prosecutor in the  
21 detection, investigation, or prosecution of a crime.

22       SECTION 4. Subchapter B, Chapter 614, Government Code, is  
23 amended by adding Section 614.024 to read as follows:

24       Sec. 614.024. RETENTION OF COMPLAINT BY CERTAIN  
25 MUNICIPALITIES. (a) If a complaint alleges conduct by a police  
26 officer employed by a municipality with a population of two million  
27 or more constituting official oppression under Section 39.03, Penal

1 Code, the complaint must be retained on file by the municipality as  
2 long as the police officer remains employed by the municipality.

3 (b) The complaint is public information and may not be  
4 excepted from disclosure under Section 552.108.

5 SECTION 5. Sections 143.364(c) and 174.009(d), Local  
6 Government Code, as added by this Act, apply only to a contract  
7 executed on or after the effective date of this Act. A contract  
8 executed before the effective date of this Act is governed by the  
9 law as it existed on the date the contract was executed, and the  
10 former law is continued in effect for that purpose.

11 SECTION 6. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2013.