

By: Miles

H.B. No. 270

A BILL TO BE ENTITLED

AN ACT

1  
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 AGAINST POLICE  
9 OFFICER. (a) A complaint filed against a police officer alleging  
10 conduct by the police officer constituting official oppression  
11 under Section 39.03, Penal Code, must be retained by the employing  
12 department of the municipality as long as the police officer  
13 remains employed by the municipality.

14 (b) The complaint is not excepted from disclosure under a  
15 discretionary exception provided by Chapter 552, 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 (d) This section does not prohibit the employing department  
21 of the municipality from withholding information contained in the  
22 complaint that is confidential under Section 552.117 or 552.1175,  
23 Government Code.

24 (e) This section does not prohibit a person from asserting a

1 privacy interest in withholding the complaint.

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

4 Sec. 174.009. RETENTION OF COMPLAINT AGAINST POLICE OFFICER  
5 BY CERTAIN MUNICIPALITIES. (a) This section applies only to a  
6 municipality with a population of two million or more.

7 (b) A complaint filed against a police officer alleging  
8 conduct by the police officer constituting official oppression  
9 under Section 39.03, Penal Code, must be retained by the employing  
10 department of the political subdivision as long as the police  
11 officer remains employed by the political subdivision.

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

14 (d) This section prevails over:

15 (1) any other provision of law; and

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

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

20 (c) This section does not:

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

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

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

3 Sec. 614.024. RETENTION OF COMPLAINT AGAINST PEACE OFFICER  
4 BY CERTAIN MUNICIPALITIES. (a) If a complaint alleges conduct by a  
5 peace officer employed by a municipality with a population of two  
6 million or more constituting official oppression under Section  
7 39.03, Penal Code, the complaint must be retained on file by the  
8 municipality as long as the peace officer remains employed by the  
9 municipality.

10 (b) The complaint is not excepted from public disclosure  
11 under a discretionary exception provided by Chapter 552.

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

18 SECTION 6. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2015.