

By: Miles

S.B. No. 483

A BILL TO BE ENTITLED

AN ACT

relating to the retention of and the required disclosure under the public information law of certain complaints alleging official oppression.

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

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

Sec. 143.364. RETENTION OF COMPLAINT AGAINST POLICE OFFICER. (a) A complaint filed against a police officer alleging conduct by the police officer constituting official oppression under Section 39.03, Penal Code, must be retained by the employing department of the municipality for at least five years after the police officer's employment with the municipality ends. An abstract of the complaint must be created and retained indefinitely once the original complaint is destroyed.

(b) The complaint is not excepted from disclosure under a discretionary exception provided by Chapter 552, Government Code.

(c) This section prevails over:

(1) any other provision of law; and

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

(d) This section does not prohibit the employing department of the municipality from withholding information contained in the complaint that is confidential under Section 552.117 or 552.1175,

1 Government Code.

2 (e) This section does not prohibit a person from asserting a
3 privacy interest in withholding the complaint.

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

6 Sec. 174.009. RETENTION OF COMPLAINT AGAINST POLICE OFFICER
7 BY CERTAIN MUNICIPALITIES. (a) A complaint filed against a police
8 officer alleging conduct by the police officer constituting
9 official oppression under Section 39.03, Penal Code, must be
10 retained by the employing department of the political subdivision
11 for at least five years after the police officer's employment with
12 the political subdivision ends. An abstract of the complaint must
13 be created and retained indefinitely once the original complaint is
14 destroyed.

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

17 (c) This section prevails over:

18 (1) any other provision of law; and

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

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

23 (c) This section does not:

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

27 (2) apply to a complaint described by Section 143.364

1 or 174.009, Local Government Code, or Section 614.024 of this code
2 that is used by a law enforcement agency or prosecutor in the
3 detection, investigation, or prosecution of a crime.

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

6 Sec. 614.024. RETENTION OF COMPLAINT AGAINST PEACE OFFICER
7 BY CERTAIN MUNICIPALITIES. (a) If a complaint alleges conduct by a
8 peace officer employed by a municipality constituting official
9 oppression under Section 39.03, Penal Code, the complaint must be
10 retained on file by the municipality for at least five years after
11 the peace officer's employment with the municipality ends. An
12 abstract of the complaint must be created and retained indefinitely
13 once the original complaint is destroyed.

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

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

22 SECTION 6. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2017.