

By: Hinojosa

S.B. No. 783

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the disclosure restrictions on personnel files of
3 police officers of municipalities that have adopted certain civil
4 service laws.

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

6 SECTION 1. Section 143.089(g), Local Government Code, is
7 amended to read as follows:

8 (g) A fire ~~[or police]~~ department may maintain a personnel
9 file on a fire fighter ~~[or police officer]~~ employed by the
10 department for the department's use, but the department may not
11 release any information contained in the department file to any
12 agency or person requesting information relating to a fire fighter
13 ~~[or police officer]~~. The department shall refer to the director or
14 the director's designee a person or agency that requests
15 information that is maintained in the fire fighter's ~~[or police~~
16 ~~officer's]~~ personnel file. A police department may maintain a
17 personnel file on a police officer employed by the department for
18 the department's use. The information contained in the police
19 department file is public information subject to disclosure under
20 Chapter 552, Government Code, unless the information is made
21 confidential under that chapter or other law.

22 SECTION 2. Section 143.1214, Local Government Code, is
23 amended by amending Subsections (b), (c), and (e) and adding
24 Subsection (c-1) to read as follows:

1 (b) The department shall maintain an investigatory file
2 that relates to a disciplinary action against a fire fighter or
3 police officer that was overturned on appeal, or any document in the
4 possession of the department that relates to a charge of misconduct
5 against a fire fighter or police officer, regardless of whether the
6 charge is sustained, only in a file created by the department for
7 the department's use. The department may only release information
8 in those investigatory files or documents relating to a charge of
9 misconduct:

10 (1) to another law enforcement agency or fire
11 department;

12 (2) to the office of a district or United States
13 attorney; or

14 (3) in accordance with Subsection (c) or (c-1).

15 (c) The department head or the department head's designee
16 may forward a document that relates to disciplinary action against
17 a fire fighter [~~or police officer~~] to the director or the director's
18 designee for inclusion in the fire fighter's [~~or police officer's~~]
19 personnel file maintained under Sections 143.089(a)-(f) only if:

20 (1) disciplinary action was actually taken against the
21 fire fighter [~~or police officer~~];

22 (2) the document shows the disciplinary action taken;
23 and

24 (3) the document includes at least a brief summary of
25 the facts on which the disciplinary action was based.

26 (c-1) The department head or the department head's designee
27 shall forward a document that relates to disciplinary action

1 against a police officer to the director or the director's designee
2 for inclusion in the police officer's personnel file maintained
3 under Sections 143.089(a)-(f).

4 (e) The requirements of this section are in addition to the
5 requirements of Section 143.089. This section does not prevent a
6 fire fighter [~~or police officer~~] from obtaining access to any
7 personnel file maintained by the director or the department, other
8 than a file maintained by an internal affairs division or other
9 similar internal investigative division, on the fire fighter [~~or~~
10 ~~police officer~~] under Section 143.089. This section does not
11 prevent a police officer from obtaining access to any personnel
12 file maintained by the director or the department. A police officer
13 may obtain access to information that is subject to disclosure
14 under Chapter 552, Government Code, contained in a file maintained
15 by an internal affairs division or other similar internal
16 investigative division under Section 143.089.

17 SECTION 3. Section 143.1216(d), Local Government Code, is
18 amended to read as follows:

19 (d) The department shall [~~may not~~] include a record of a
20 supervisory intervention procedure or a policy and procedure
21 inquiry regarding a police officer in the police officer's
22 personnel file maintained under Section 143.089 and [~~or~~] in the
23 department file maintained under Section 143.089(g).

24 SECTION 4. This Act takes effect September 1, 2017.