

By: Menéndez

S.B. No. 1793

A BILL TO BE ENTITLED

AN ACT

relating to complaints filed against certain law enforcement officers, peace officers, detention officers, county jailers, and fire fighters.

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

SECTION 1. Subchapter B, Chapter 614, Government Code, is amended by adding Section 614.0205 to read as follows:

Sec. 614.0205. DEFINITIONS. In this subchapter:

(1) "Complaint" means an allegation that a law enforcement officer or fire fighter has committed misconduct or has violated a policy of the law enforcement agency or fire department that appointed or employs the officer or employee.

(2) "Law enforcement agency" means an agency of this state or an agency of a political subdivision of this state authorized by law to appoint or employ a law enforcement officer.

(3) "Law enforcement officer" means a peace officer under Article 2.12, Code of Criminal Procedure, or other law or a detention officer or county jailer.

SECTION 2. Section 614.021(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), this subchapter applies only to a complaint against:

(1) a law enforcement officer ~~[of the State of Texas, including an officer of the Department of Public Safety or of the~~

~~Texas Alcoholic Beverage Commission]; or~~

(2) a fire fighter ~~[who is]~~ employed by this state or a political subdivision of this state~~;~~

~~[(3) a peace officer under Article 2.12, Code of Criminal Procedure, or other law who is appointed or employed by a political subdivision of this state; or~~

~~[(4) a detention officer or county jailer who is appointed or employed by a political subdivision of this state].~~

SECTION 3. Section 614.022, Government Code, is amended to read as follows:

Sec. 614.022. COMPLAINT TO BE IN WRITING AND SIGNED BY COMPLAINANT. (a) To be considered by the head of a law enforcement ~~[state]~~ agency or by the head of a fire department ~~[or local law enforcement agency]~~, the complaint must be:

(1) in writing; ~~[and]~~

(2) signed by the person making the complaint; and

(3) filed with the head of the law enforcement agency or fire department, or that person's designee.

(b) Any person, including a law enforcement officer or an employee of a law enforcement agency or fire department, may file a complaint under this section.

SECTION 4. Section 614.023, Government Code, is amended to read as follows:

Sec. 614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR EMPLOYEE. (a) A copy of a signed complaint against an officer or employee to whom this subchapter applies ~~[a law enforcement officer of this state or a fire fighter, detention officer, county jailer,~~

1 ~~or peace officer appointed or employed by a political subdivision~~
2 ~~of this state]~~ shall be given to the officer or employee within a
3 reasonable time after the complaint is filed and before the
4 complaint is investigated.

5 (b) Disciplinary action may not be taken against the officer
6 or employee unless a signed complaint against the officer or
7 employee is filed and a copy of the [~~signed~~] complaint is given to
8 the officer or employee.

9 (c) In addition to the requirement of Subsection (b), the
10 officer or employee may not be indefinitely suspended or terminated
11 from employment based on the subject matter of the complaint
12 unless:

13 (1) the complaint is investigated; and

14 (2) there is sufficient evidence to prove the
15 allegation of misconduct.

16 SECTION 5. The change in law made by this Act applies only
17 to a complaint relating to conduct that occurs on or after the
18 effective date of this Act. A complaint relating to conduct that
19 occurs before the effective date of this Act is governed by the law
20 in effect on the date the conduct occurred, and the former law is
21 continued in effect for that purpose.

22 SECTION 6. This Act takes effect September 1, 2017.