

1-1 By: Menéndez S.B. No. 1793
1-2 (In the Senate - Filed March 9, 2017; March 23, 2017, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 May 4, 2017, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; May 4, 2017, sent
1-6 to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Whitmire	X			
1-10	Huffman			X	
1-11	Birdwell	X			
1-12	Burton			X	
1-13	Creighton			X	
1-14	Garcia	X			
1-15	Hughes			X	
1-16	Menéndez	X			
1-17	Perry	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1793 By: Perry

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to complaints filed against certain law enforcement
1-22 officers, peace officers, detention officers, county jailers, and
1-23 fire fighters.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter B, Chapter 614, Government Code, is
1-26 amended by adding Section 614.0205 to read as follows:

1-27 Sec. 614.0205. DEFINITIONS. In this subchapter:

1-28 (1) "Complaint" means an allegation that a law
1-29 enforcement officer or fire fighter has committed misconduct or has
1-30 violated a policy of the law enforcement agency or fire department
1-31 that appointed or employs the officer or employee.

1-32 (2) "Law enforcement agency" means an agency of this
1-33 state or an agency of a political subdivision of this state
1-34 authorized by law to appoint or employ a law enforcement officer.

1-35 (3) "Law enforcement officer" means a peace officer
1-36 under Article 2.12, Code of Criminal Procedure, or other law or a
1-37 detention officer or county jailer.

1-38 SECTION 2. Section 614.021(a), Government Code, is amended
1-39 to read as follows:

1-40 (a) Except as provided by Subsection (b), this subchapter
1-41 applies only to a complaint against:

1-42 (1) a law enforcement officer appointed or employed by
1-43 a law enforcement agency [of the State of Texas, including an
1-44 officer of the Department of Public Safety or of the Texas Alcoholic
1-45 Beverage Commission]; or

1-46 (2) a fire fighter [who is] employed by this state or a
1-47 political subdivision of this state[;]

1-48 [(3) a peace officer under Article 2.12, Code of
1-49 Criminal Procedure, or other law who is appointed or employed by a
1-50 political subdivision of this state, or

1-51 [(4) a detention officer or county jailer who is
1-52 appointed or employed by a political subdivision of this state].

1-53 SECTION 3. Section 614.022, Government Code, is amended to
1-54 read as follows:

1-55 Sec. 614.022. COMPLAINT TO BE IN WRITING AND SIGNED BY
1-56 COMPLAINANT. (a) To be considered by the head of a law enforcement
1-57 [state] agency or by the head of a fire department [or local law
1-58 enforcement agency], the complaint must be:

1-59 (1) in writing; ~~and~~

1-60 (2) signed by the person making the complaint; and

(3) filed with:
(A) the head of the law enforcement agency or
fire department or that person's designee; or
(B) an independent entity responsible for
receiving the complaint.

(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. Sections 614.023(a) and (b), Government Code,
are amended to read as follows:

(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,~~
~~or peace officer appointed or employed by a political subdivision~~
~~of this state]~~ shall be given to the officer or employee within a
reasonable time after the complaint is filed.

(b) Disciplinary action may not be taken against the officer
or employee unless:

(1) a signed complaint against the officer or employee
is filed; and

(2) a copy of the [signed] complaint is given to the
officer or employee not later than 36 hours before the disciplinary
action is taken.

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

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

* * * * *