

By: Hinojosa

S.B. No. 433

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure restrictions on personnel files of police officers of municipalities that have adopted certain civil service laws.

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

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

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

SECTION 2. Section 143.1214, Local Government Code, is amended by amending Subsections (b), (c), and (e) and adding 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, 2019.