

By: Menéndez

S.B. No. 1745

A BILL TO BE ENTITLED

AN ACT

1
2 relating to complaints filed against certain law enforcement
3 officers, peace officers, detention officers, county jailers, and
4 fire fighters.

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

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

8 Sec. 614.0205. DEFINITIONS. In this subchapter:

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

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

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

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

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

23 (1) a law enforcement officer appointed or employed by
24 a law enforcement agency [~~of the State of Texas, including an~~]

1 ~~officer of the Department of Public Safety or of the Texas Alcoholic~~
2 ~~Beverage Commission]; or~~

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

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

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

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

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

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

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

18 (3) filed with:

19 (A) the head of the law enforcement agency or
20 fire department or that person's designee; or

21 (B) an independent entity responsible for
22 receiving the complaint.

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

26 SECTION 4. Sections 614.023(a) and (b), Government Code,
27 are amended to read as follows:

1 (a) A copy of a signed complaint against an officer or
2 employee to whom this subchapter applies [~~a law enforcement officer~~
3 ~~of this state or a fire fighter, detention officer, county jailer,~~
4 ~~or peace officer appointed or employed by a political subdivision~~
5 ~~of this state~~] shall be given to the officer or employee within a
6 reasonable time after the complaint is filed.

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

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

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

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

20 SECTION 6. This Act takes effect September 1, 2019.