

BILL ANALYSIS

H.B. 959
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised across Texas regarding reported incidents of peace officer misconduct. There have been calls to establish civilian complaint review boards to investigate complaints of such misconduct submitted by the public. These boards could be a valuable tool in deterring police misconduct and increasing the accountability of public officials, but in order to be effective they need the authority to carry out independent investigations, subpoena relevant documents and witnesses, and issue binding recommendations for discipline. H.B. 959 seeks to address this issue by providing for the creation of municipal civilian complaint review boards with those powers in certain municipalities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 959 amends the Local Government Code to establish a municipal civilian complaint review board in each municipality with a population of 500,000 or more to investigate complaints alleging peace officer misconduct. The bill authorizes a board to investigate a complaint that alleges peace officer misconduct involving the following:

- excessive use of force;
- improper use of power to threaten, intimidate, or otherwise mistreat a member of the public;
- a threat of force;
- an unlawful act, search, or seizure; or
- other abuses of authority.

H.B. 959 provides for the composition, appointment, and operation of the five-member board, including ineligibility to serve on the board, the term and compensation of a board member, the filling of a board vacancy, the designation of a presiding officer, and the grounds for removal from the board. The bill requires a board to employ an executive director if necessary to administer the policies of the board, authorizes a board to employ personnel as necessary to exercise its powers and fulfill its duties, and authorizes a board to adopt rules as necessary to implement the bill's applicable provisions. The bill requires the initial members of a board to be appointed not later than October 1, 2021.

H.B. 959 authorizes a person to file a complaint with a board alleging peace officer misconduct, regardless of whether the person is the alleged victim of the misconduct, if the complaint is in writing, alleges the peace officer engaged in applicable misconduct as specified by the bill, and describes the alleged misconduct. The bill authorizes a complaint to be initiated, alternatively, by a majority vote of the board.

H.B. 959 provides for the following:

- a complaint review procedure developed by each board to act promptly and efficiently on a complaint filed with the board;
- the issuance of a relevant subpoena to compel the attendance of a witness or the production of any book, record, or other document reasonably necessary to conduct an investigation;
- the dismissal of a complaint and the grounds for closing an investigation;
- the investigation of a complaint by the appropriate municipal attorney and a resulting complaint determination following the investigation; and
- notice of the board's determination to the parties to the complaint and to the peace officer's employer.

The bill's changes apply only to misconduct that occurs on or after October 1, 2021.

EFFECTIVE DATE

September 1, 2021.