

BILL ANALYSIS

H.B. 2474
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recently, the relationship between law enforcement and the public has grown increasingly tense. When citizens file complaints, many do not trust that the police department will react appropriately to the complaint or follow a transparent protocol designed to properly retain complaints. Currently, there is no standardized policy providing for the retention of complaints made against police officers or for the public availability of these complaints. Some political subdivisions keep open records and retain all complaints. Other political subdivisions, because of labor agreements, handle complaints behind a veil of secrecy. H.B. 2474 seeks to address these issues by providing for the retention and disclosure of complaints against police officers alleging official oppression.

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. 2474 amends the Government Code and Local Government Code to require a complaint alleging conduct by a peace officer employed by a municipality with a population of more than two million constituting official oppression, including a complaint filed against a police officer under the fire fighters' and police officers' civil service law or The Fire and Police Employee Relations Act, to be retained on file by the municipality or retained by the employing department of the municipality, as applicable, for at least five years after the officer's employment with the municipality ends. The bill requires an abstract of the complaint to be created and retained indefinitely once the original complaint is destroyed. The bill establishes that the complaint is not excepted from public disclosure under a discretionary exception, or under a specific exception relating to certain law enforcement information, as applicable, provided by state public information law.

H.B. 2474 establishes that its provisions amending the fire fighters' and police officers' civil service law and The Fire and Police Employee Relations Act prevail over any other provision of law and any conflicting provision in an agreement or collective bargain agreement entered into under the civil service law or act, as applicable. Additionally the bill's provisions amending the civil service law do not prohibit a person from asserting a privacy interest in withholding the complaint and do not prohibit the employing department of the municipality from withholding information contained in the complaint that is confidential under state public information law because of its nature as personal identifying information.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.