

By: Thierry

H.B. No. 2474

A BILL TO BE ENTITLED

AN ACT

relating to the retention of and the required disclosure under the public information law of certain complaints alleging official oppression.

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

SECTION 1. Subchapter J, Chapter 143, Local Government Code, is amended by adding Section 143.364 to read as follows:

Sec. 143.364. RETENTION OF COMPLAINT AGAINST POLICE OFFICER. (a) This section applies only to a municipality with a population of more than two million.

(b) A complaint filed against a police officer alleging conduct by the police officer constituting official oppression under Section 39.03, Penal Code, must be retained by the employing department of the municipality for at least five years after the police officer's employment with the municipality ends. An abstract of the complaint must be created and retained indefinitely once the original complaint is destroyed.

(c) The complaint is not excepted from disclosure under a discretionary exception provided by Chapter 552, Government Code.

(d) This section prevails over:

(1) any other provision of law; and

(2) any conflicting provision in an agreement entered into under this subchapter.

(e) This section does not prohibit the employing department

1 of the municipality from withholding information contained in the  
2 complaint that is confidential under Section 552.117 or 552.1175,  
3 Government Code.

4 (f) This section does not prohibit a person from asserting a  
5 privacy interest in withholding the complaint.

6 SECTION 2. Subchapter A, Chapter 174, Local Government  
7 Code, is amended by adding Section 174.009 to read as follows:

8 Sec. 174.009. RETENTION OF COMPLAINT AGAINST POLICE OFFICER  
9 BY CERTAIN MUNICIPALITIES. (a) This section applies only to a  
10 municipality with a population of more than two million.

11 (b) A complaint filed against a police officer alleging  
12 conduct by the police officer constituting official oppression  
13 under Section 39.03, Penal Code, must be retained by the employing  
14 department of the municipality for at least five years after the  
15 police officer's employment with the municipality ends. An abstract  
16 of the complaint must be created and retained indefinitely once the  
17 original complaint is destroyed.

18 (c) The complaint is public information and may not be  
19 excepted from disclosure under Section 552.108, Government Code.

20 (d) This section prevails over:

21 (1) any other provision of law; and

22 (2) any conflicting provision in a collective  
23 bargaining agreement entered into under this chapter.

24 SECTION 3. Section 552.108(c), Government Code, is amended  
25 to read as follows:

26 (c) This section does not:

27 (1) except from the requirements of Section 552.021

1 information that is basic information about an arrested person, an  
2 arrest, or a crime; or

3 (2) apply to a complaint to which Section 143.364 or  
4 174.009, Local Government Code, or Section 614.024 of this code  
5 applies that is used by a law enforcement agency or prosecutor in  
6 the detection, investigation, or prosecution of a crime.

7 SECTION 4. Subchapter B, Chapter 614, Government Code, is  
8 amended by adding Section 614.024 to read as follows:

9 Sec. 614.024. RETENTION OF COMPLAINT AGAINST PEACE OFFICER  
10 BY CERTAIN MUNICIPALITIES. (a) This section applies only to a  
11 municipality with a population of more than two million.

12 (b) If a complaint alleges conduct by a peace officer  
13 employed by a municipality constituting official oppression under  
14 Section 39.03, Penal Code, the complaint must be retained on file by  
15 the municipality for at least five years after the peace officer's  
16 employment with the municipality ends. An abstract of the complaint  
17 must be created and retained indefinitely once the original  
18 complaint is destroyed.

19 (c) The complaint is not excepted from public disclosure  
20 under a discretionary exception provided by Chapter 552.

21 SECTION 5. Sections 143.364(d) and 174.009(d), Local  
22 Government Code, as added by this Act, apply only to a contract  
23 executed on or after the effective date of this Act. A contract  
24 executed before the effective date of this Act is governed by the  
25 law as it existed on the date the contract was executed, and the  
26 former law is continued in effect for that purpose.

27 SECTION 6. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2021.