**BILL ANALYSIS**

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| Senate Research Center | S.B. 2209 |
|  | By: Hancock |
|  | Local Government |
|  | 3/31/2023 |
|  | As Filed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In several municipalities across Texas, anti-police activists are using the petition process to place propositions on the ballot to hamper police effectiveness. Some of these propositions have provisions which seek to override mutual agreements between public employers and police departments and aim to place convicted criminals on civilian oversight commissions.

S.B. 2209 provides statutory regulations for civilian oversight commissions in order to ensure officers across the state are afforded the same level of due process. S.B. 2209 defines civilian oversight commission, outlines certain requirements for commission membership, and provides the framework for how these commissions may operate.

As proposed, S.B. 2209 amends current law relating to municipal civil service for fire fighters and police officers.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 143.003, Local Government Code, by adding Subdivision (6), to define "civilian oversight commission" as any civilian body created or appointed by a political subdivision to practice oversight, monitoring, or investigations of fire fighters, or law enforcement officers or departments.

SECTION 2. Amends Subchapter A, Chapter 143, Local Government Code, by adding Section 143.017, as follows:

Sec. 143.017. INVESTIGATIONS OF EMPLOYEES. Prohibits an investigation under Chapter 143 (Municipal Civil Service for Firefighters and Police Officers) from being performed by a civilian oversight commission.

SECTION 3. Amends Section 143.089, Local Government Code, by amending Subsection (b) and adding Subsections (i) and (j), as follows:

(b) Provides that letters, memoranda, or documents related to alleged misconduct are confidential while the investigation is pending. Provides that this subsection does not prohibit a law enforcement agency hiring a police officer from viewing the contents of an investigation file under Section 1701.451 (Preemployment Procedure), Occupations Code.

(i) Authorizes the employing department to disclose information for a law enforcement purpose, notwithstanding Subsection (b).

(j) Prohibits a local ordinance, executive order, or rule adopted by a political subdivision from superseding any provision in Chapter 143.089 (Personnel File).

SECTION 4. Amends Subchapter F, Chapter 143, Local Government Code, by adding Sections 143.091 and 143.092, as follows:

Sec. 143.091. MUTUAL AGREEMENTS CONTROL. Provides that a mutual agreement between a public employer and the bargaining agent supersedes a local ordinance, executive order, or rule adopted by a political subdivision.

Sec. 143.092. ELIGIBILITY FOR SERVICE ON CIVILIAN OVERSIGHT COMMISSION. Provides that a person is not eligible to serve on a civilian oversight commission if the person:

(1) has been convicted of or placed on deferred adjudication for a felony offense; or

(2) has been convicted of a crime of moral turpitude.

SECTION 5. Provides that Section 143.091, Local Government Code, as added by this Act, applies to an agreement that was in effect on January 1, 2023.

SECTION 6. Effective date: upon passage or September 1, 2023.