

BILL ANALYSIS

C.S.S.B. 2209
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law governing municipal civil service for fire fighters and police officers seeks to ensure that fire and police departments are free from outside political influence and that practices regarding discipline and firing of officers are standardized across jurisdictions. However, some citizens have used the petition process to place propositions on the ballot that would dictate some of the terms of agreements between public employers and police departments. Individuals convicted of felony offenses currently have the ability to serve on some civilian oversight commissions. C.S.S.B. 2209 seeks to address the above issues by amending current law and also makes changes relating to the disclosure of information in department files of fire fighters or police officers 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

C.S.S.B. 2209 amends the Local Government Code to establish provisions regarding civilian oversight boards for the purposes of the municipal civil service for fire fighters and police officers. The bill defines a civilian oversight board as a board or office established by a municipality to practice oversight, monitoring, or investigations of fire fighters or police officers, or departments, by members of the public who are not fire fighters or police officers. The bill establishes that a person is ineligible to serve on a civilian oversight board if the person has been convicted of or placed on deferred adjudication community supervision for a felony offense or convicted of a crime of moral turpitude.

C.S.S.B. 2209 prohibits a civilian oversight board from conducting an investigation regarding civil service for fire fighters and police officers. The bill prohibits a letter, memorandum, or document contained in the fire fighter's or police officer's personnel file relating to alleged misconduct by the fire fighter or police officer from being released to any agency or person requesting the letter, memorandum, or document if there is a pending investigation into the alleged misconduct, except as provided by certain preemployment procedures for law enforcement officers. The bill excepts the release of any information contained in a fire fighter's or police officer's personnel file for a law enforcement purpose from the prohibition against the director of fire fighters' and police officers' civil service from releasing such information without first obtaining the person's written permission.

C.S.S.B. 2209 establishes that a municipal charter, ordinance, executive order, or rule adopted by a municipality that restricts or conditions the authority of a public employer to enter into a written agreement regarding fire fighter and police officer employment matters is void and unenforceable. The bill establishes that a collective bargaining agreement or a meet-and-confer agreement between a municipality and the municipality's fire department or police department

that was in effect on or after January 1, 2023, supersedes an ordinance, executive order, or rule adopted by the municipality.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023

COMPARISON OF ORIGINAL TO SUBSTITUTE

While C.S.S.B. 2209 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill. The substitute includes provisions that were not in the engrossed establishing that a municipal charter, ordinance, executive order, or rule adopted by a municipality that restricts or conditions the authority of a public employer to enter into an applicable written agreement is void and unenforceable. The substitute changes the bill's effective date to provide for its possible immediate effect, contingent on receiving the requisite constitutional vote, whereas the engrossed provided only for the bill to take effect September 1, 2023, with no possibility for immediate effect.