

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2209
By: Hancock
Local Government
4/4/2023
Committee Report (Substituted)

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.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2209 amends current law relating to the disclosure of information in department files of fire fighters or police officers and civilian oversight boards in certain municipalities.

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 amending Subdivision (1) and adding Subdivision (1-a), as follows:

(1) Defines "civilian oversight board"

(1-a) Creates this subdivision from existing text.

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

Sec. 143.017. INVESTIGATION BY CIVILIAN OVERSIGHT BOARD PROHIBITED. Prohibits an investigation under Chapter 143 (Municipal Civil Service for Firefighters and Police Officers) from being performed by a civilian oversight board.

SECTION 3. Amends Sections 143.089(b) and (f), Local Government Code, as follows:

(b) Provides that a letter, memorandum, or document relating to alleged misconduct by the fire fighter or police officer:

(1) creates this subdivision from existing text and makes nonsubstantive changes; and

(2) except as provided by Section 1701.451 (Preemployment Procedure), Occupations Code, are prohibited from being released to any agency or persons

requesting the letter, memorandum, or document if there is a pending investigation into the alleged misconduct.

(f) Prohibits the director of the fire fighter's and police officer's civil service or the director's designee from releasing any information contained in a fire fighter's or police officer's personnel file without first obtaining the person's written permission, unless the release of the information is required by law or for a law enforcement purpose.

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

Sec. 143.091. **MUTUAL AGREEMENT SUPERSEDES CERTAIN MUNICIPAL LAW.** Provides that an agreement, for a municipality with a collective bargaining agreement or a meet-and-confer agreement with the municipality's fire department or police department, supersedes an ordinance, executive order, or rule adopted by the municipality.

Sec. 143.092. **ELIGIBILITY FOR CIVILIAN OVERSIGHT BOARD.** Provides that a person is not eligible to serve on a civilian oversight board if the person has been:

(1) convicted of or placed on deferred adjudication community supervision for a felony offense; or

(2) convicted of a crime of moral turpitude.

SECTION 5. Provides that Section 143.091, Local Government Code, as added by this Act, applies to a collective bargaining agreement or a meet-and-confer agreement that was in effect on or after January 1, 2023.

SECTION 6. Effective date: September 1, 2023.