

By: Hancock

S.B. No. 2209

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of information in department files of fire fighters or police officers and civilian oversight boards in certain municipalities.

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

SECTION 1. Section 143.003, Local Government Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Civilian oversight board" means 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.

(1-a) "Commission" means the Fire Fighters' and Police Officers' Civil Service Commission.

SECTION 2. Subchapter A, Chapter 143, Local Government Code, is amended by adding Section 143.017 to read as follows:

Sec. 143.017. INVESTIGATION BY CIVILIAN OVERSIGHT BOARD PROHIBITED. An investigation under this chapter may not be performed by a civilian oversight board.

SECTION 3. Sections 143.089(b) and (f), Local Government Code, are amended to read as follows:

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

1           (1) may not be placed in the person's personnel file if  
2 the employing department determines that there is insufficient  
3 evidence to sustain the charge of misconduct; and

4           (2) except as provided by Section 1701.451,  
5 Occupations Code, may not be released to any agency or person  
6 requesting the letter, memorandum, or document if there is a  
7 pending investigation into the alleged misconduct.

8           (f) The director or the director's designee may not release  
9 any information contained in a fire fighter's or police officer's  
10 personnel file without first obtaining the person's written  
11 permission, unless the release of the information is required by  
12 law or for a law enforcement purpose.

13           SECTION 4. Subchapter F, Chapter 143, Local Government  
14 Code, is amended by adding Sections 143.091 and 143.092 to read as  
15 follows:

16           Sec. 143.091. MUTUAL AGREEMENT SUPERSEDES CERTAIN  
17 MUNICIPAL LAW. For a municipality with a collective bargaining  
18 agreement or a meet-and-confer agreement with the municipality's  
19 fire department or police department, the agreement supersedes an  
20 ordinance, executive order, or rule adopted by the municipality.

21           Sec. 143.092. ELIGIBILITY FOR CIVILIAN OVERSIGHT BOARD. A  
22 person is not eligible to serve on a civilian oversight board if the  
23 person has been:

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

26           (2) convicted of a crime of moral turpitude.

27           SECTION 5. Section 143.091, Local Government Code, as added

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1 by this Act, applies to a collective bargaining agreement or a  
2 meet-and-confer agreement that was in effect on or after January 1,  
3 2023.

4 SECTION 6. This Act takes effect September 1, 2023.