

By: Hancock  
(Holland)

S.B. No. 2209

Substitute the following for S.B. No. 2209:

By: Lozano

C.S.S.B. No. 2209

A BILL TO BE ENTITLED

AN ACT

relating to provisions governing the municipal civil service of  
fire fighters or police officers 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) may not be placed in the person's personnel file if

the employing department determines that there is insufficient evidence to sustain the charge of misconduct; and

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

(f) The director or the director's designee may not release 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. Subchapter F, Chapter 143, Local Government Code, is amended by adding Sections 143.091 and 143.092 to read as follows:

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

Sec. 143.092. ELIGIBILITY FOR CIVILIAN OVERSIGHT BOARD. 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. Section 143.306, Local Government Code, is amended by adding Subsection (d) to read as follows:

1        (d) A municipal charter, ordinance, executive order, or  
2 rule adopted by a municipality that restricts or conditions the  
3 authority of a public employer to enter into a written agreement  
4 under this subchapter is void and unenforceable.

5        SECTION 6. Section 143.091, Local Government Code, as added  
6 by this Act, applies to a collective bargaining agreement or a  
7 meet-and-confer agreement that was in effect on or after January 1,  
8 2023.

9        SECTION 7. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2023.