

By: Hancock

S.B. No. 2209

A BILL TO BE ENTITLED

AN ACT

relating to municipal civil service for fire fighters and police officers.

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

SECTION 1. Section 143.003, Local Government Code, is amended by adding Subdivision (6) to read as follows:

(6) "Civilian oversight commission" means 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. Subchapter A, Chapter 143, Local Government Code, is amended by adding Section 143.017 to read as follows:

Sec. 143.017. INVESTIGATIONS OF EMPLOYEES. An investigation under this chapter may not be performed by a civilian oversight commission.

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

(b) A letter, memorandum, or document relating to alleged misconduct by the fire fighter or police officer 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. Letters, memoranda, or documents related to alleged misconduct are confidential while the investigation is

1 pending. This subsection does not prohibit a law enforcement
2 agency hiring a police officer from viewing the contents of an
3 investigation file under Section 1701.451, Occupations Code.

4 (i) Notwithstanding Subsection (b), the employing
5 department may disclose information for a law enforcement purpose.

6 (j) A local ordinance, executive order, or rule adopted by a
7 political subdivision may not supersede any provision in this
8 section.

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

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

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

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

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

22 SECTION 5. Section 143.091, Local Government Code, as added
23 by this Act, applies to an agreement that was in effect on January
24 1, 2023.

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2023.