

## **BILL ANALYSIS**

Senate Research Center  
89S10207 RAL-F

S.B. 14  
By: King  
State Affairs  
7/31/2025  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, there is no standardized procedure that Texas law enforcement agencies follow in determining the confidentiality and release of peace officers' sensitive information. Instead, the confidentiality of a peace officer's sensitive documents—such as background hiring information and unsubstantiated complaints made against an officer—is dependent on whether a peace officer is employed by the state or if their employing political subdivision has adopted certain language in Chapter 143 of the Local Government Code related to maintaining and releasing department file information.

S.B. 14 would protect all Texas peace officers' sensitive information by codifying the Texas Commission on Law Enforcement's (TCOLE's) model policy on department files. Specifically, this bill creates a confidential department file to contain any letter, memo, or document related to the license holder that is not included in a personnel file.

Under S.B. 14, a peace officer's department file would still be available to TCOLE as part of an ongoing investigation related to the license holder and in accordance with (i) Occupations Code Section 1701.4522 (Misconduct Investigation and Hiring Procedures), (ii) Code of Criminal Procedure 39.14 (the Michael Morton Act), and (iii) Government Code Section 511.021 (the Sandra Bland Act). This bill would not conflict with any meet and confer agreements entered into before September 1, 2025.

As proposed, S.B. 14 amends current law relating to certain files maintained by a law enforcement agency regarding certain employees of the agency.

### **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 Subchapter J, Chapter 1701, Occupations Code, by adding Section 1701.45351, as follows:

Sec. 1701.45351. DEPARTMENT FILE. (a) Defines "department file."

(b) Requires the head of a law enforcement agency or the head's designee to maintain a department file on each license holder employed by the agency.

(c) Requires that a department file contain any letter, memorandum, or document relating to the license holder not included in a personnel file maintained under a policy adopted under Section 1701.4535 (Personnel File), including any letter, memorandum, or document relating to alleged misconduct by the license holder for which the agency determines there is insufficient evidence to sustain the charge of misconduct.

(d) Provides that, as provided by Section 1701.451 (Preemployment Procedure), a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's department file.

(e) Requires a law enforcement agency to provide contents from a license holder's department file to the Texas Commission on Law Enforcement (TCOLE) in accordance with the law enforcement agency's policy adopted in compliance with Section 1701.4522(b)(1)(D) (relating to requiring that TCOLE's model misconduct investigation and hiring procedure policy require a law enforcement agency to complete an administrative investigation of alleged misconduct and prepare and submit to TCOLE a summary report of the investigation) or a request by TCOLE as part of an ongoing investigation relating to the license holder.

(f) Provides that a department file maintained under this section is subject to disclosure under Article 39.14 (Discovery), Code of Criminal Procedure, or Section 511.021 (Independent Investigation of Death Occurring in County Jail), Government Code. Authorizes a law enforcement agency to disclose information contained in a license holder's department file if the disclosure is permitted under a meet and confer agreement entered into before September 1, 2025.

(g) Prohibits a law enforcement agency, except as provided by Subsections (d), (e), and (f), from releasing any information contained in a license holder's department file to any other agency or person requesting information relating to the license holder. Requires the agency to refer the person or agency requesting the information to the agency head or the head's designee. Provides that a department file maintained under this section is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

SECTION 2. Effective date: the 91st day after the last day of the legislative session.