|  |
| --- |
| BILL ANALYSIS |

|  |
| --- |
| C.S.H.B. 15 |
| By: Hefner |
| Homeland Security, Public Safety & Veterans' Affairs |
| Committee Report (Substituted) |

|  |
| --- |
| **BACKGROUND AND PURPOSE**  The bill author has informed the committee that there is currently no standardized procedure that law enforcement agencies in Texas follow when determining whether to release sensitive information relating to peace officers, such as background hiring information and documents relating to unsubstantiated alleged misconduct. The bill author has also informed the committee that requirement of the confidentiality of this sensitive information is currently only applicable to an officer employed by the state under Chapter 411, Government Code, or an officer employed by a political subdivision that has adopted Chapter 143, Local Government Code. C.S.H.B. 15 seeks to protect the sensitive information of all peace officers in Texas by codifying provisions of the Texas Commission on Law Enforcement's model policy on department files. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS**  C.S.H.B. 15 amends the Occupations Code to require the head of a law enforcement agency or the head's designee to maintain a department file on each holder of a license issued by the Texas Commission on Law Enforcement (TCOLE) the agency employs. The bill defines "department file" as a file a law enforcement agency maintains for agency use for each license holder the agency employs. The bill requires the department file to contain any letter, memorandum, or document relating to the license holder not included in a personnel file maintained as required under a policy adopted by the agency under applicable state law, including any letter, memorandum, or document relating to alleged license holder misconduct for which the agency determines there is insufficient evidence to sustain the charge of misconduct.  C.S.H.B. 15 entitles a law enforcement agency hiring a license holder to review the contents of the license holder's department file maintained by each previous law enforcement agency employer, in accordance with the preemployment procedure under state law, and requires an agency to provide contents from a license holder's department file to TCOLE in accordance with the following:   * a request by TCOLE as part of an ongoing investigation relating to the license holder; or * the law enforcement agency's policy adopted in compliance with the requirement under applicable state law for an agency, under a misconduct investigation and hiring policy, to complete an administrative investigation of alleged misconduct by a license holder employed by the agency and to prepare and submit to TCOLE a summary report on the investigation, including the disposition of the investigation and any informational findings, in a format prescribed by TCOLE, in a timely manner but not later than the 30th day after the date of the license holder's separation from the agency, if applicable.   The bill subjects a department file maintained under the bill's provisions to disclosure only as required by law, including Code of Criminal Procedure provisions relating to law enforcement interactions with the public and to discovery procedures and Government Code provisions relating to an independent investigation of a death occurring in a county jail. Except as provided by these provisions, the bill prohibits an agency 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. The bill requires the agency to refer the person or agency requesting the information to the agency head or the head's designee. A department file maintained under the bill's provisions is confidential and not subject to disclosure under state public information law. |
| **EFFECTIVE DATE**  91st day after the last day of the legislative session. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**  While C.S.H.B. 15 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.  While both the introduced and substitute require the department file to contain any letter, memorandum, or document relating to the license holder not included in a personnel file maintained under a policy adopted by the agency under applicable state law, the substitute includes a specification absent from the introduced that the personnel file is maintained as required under such a policy.  Whereas the introduced entitled a law enforcement agency hiring a license holder to view the contents of the license holder's department file, as provided by the preemployment procedure under state law, the substitute entitles a law enforcement agency hiring a license holder to review the contents of the license holder's department file maintained by each previous law enforcement agency employer, in accordance with such preemployment procedure.  Whereas the introduced established that a department file maintained under the bill's provisions is subject to disclosure under Code of Criminal Procedure provisions relating to discovery procedures or Government Code provisions relating to an independent investigation of a death occurring in a county jail, the substitute establishes that such a file is subject to disclosure only as required by law, including the aforementioned Code of Criminal Procedure and Government Code provisions and Code of Criminal Procedure provisions relating to law enforcement interactions with the public. The substitute omits an authorization present in the introduced for 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. |
|  |
|  |