

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 15
By: Hefner et al. (King)
State Affairs
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Committee Report (Substituted)

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 sensitive information related to peace officers, such as background hiring information and unsubstantiated misconduct complaints. Instead, the confidentiality of sensitive peace officer information depends on whether an officer is employed by the state, or their employing political subdivision has adopted Local Government Code, Chapter 143.

C.S.H.B. 15 would protect all Texas peace officers' sensitive information by codifying the Texas Commission on Law Enforcement's (TCOLE's) model policy related to department files. This policy requires law enforcement agencies to maintain a confidential department file that contains any letter, memo, or document related to the license holder that is not included in a personnel file.

C.S.H.B. 15 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 the agency employs.

(c) Requires that a department file contain any letter, memorandum, or document relating to the license holder not included in a personnel file maintained as required under a policy adopted under Section 1701.4535 (Personnel File), 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.

(d) Entitles a law enforcement agency hiring a license holder, in accordance with Section 1701.451 (Preemployment Procedure), to review the contents of the license holder's department file maintained by each previous law enforcement agency employer.

(e) Requires a law enforcement agency to provide the contents from a license holder's department file to the Texas Commission on Law Enforcement (TCOLE) in accordance with the law enforcement agency's procedures policy adopted in compliance with Section 1701.4522(b)(1)(D) (relating to requiring the policy

adopted under this section to require a law enforcement agency to complete an administrative investigation of alleged misconduct and prepare and submit a summary report on 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 as required by law, including Chapter 2B (Law Enforcement Interactions With Public) and Article 39.14 (Discovery), Code of Criminal Procedure, and Section 511.021 (Independent Investigation of Death Occurring in County Jail), Government Code.

(g) Prohibits a law enforcement agency, except as provided 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.