

BILL ANALYSIS

S.B. 15

By: King

Homeland Security, Public Safety & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor 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 sponsor 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. S.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

S.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.

S.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.