

By: Hefner

H.B. No. 15

A BILL TO BE ENTITLED

AN ACT

relating to certain files maintained by a law enforcement agency regarding certain employees of the agency.

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

SECTION 1. Subchapter J, Chapter 1701, Occupations Code, is amended by adding Section 1701.45351 to read as follows:

Sec. 1701.45351. DEPARTMENT FILE. (a) In this section, "department file" means a file maintained by a law enforcement agency for each license holder employed by the agency for the agency's use.

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

(c) A department file must 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, 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) As provided by Section 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's department file.

(e) A law enforcement agency shall provide contents from a

1 license holder's department file to the commission in accordance
2 with:

3 (1) the law enforcement agency's policy adopted in
4 compliance with Section 1701.4522(b)(1)(D); or

5 (2) a request by the commission as part of an ongoing
6 investigation relating to the license holder.

7 (f) A department file maintained under this section is
8 subject to disclosure under Article 39.14, Code of Criminal
9 Procedure, or Section 511.021, Government Code. A law enforcement
10 agency may disclose information contained in a license holder's
11 department file if the disclosure is permitted under a meet and
12 confer agreement entered into before September 1, 2025.

13 (g) Except as provided by Subsections (d), (e), and (f), a
14 law enforcement agency may not release any information contained in
15 a license holder's department file to any other agency or person
16 requesting information relating to the license holder. The agency
17 shall refer the person or agency requesting the information to the
18 agency head or the head's designee. A department file maintained
19 under this section is confidential and not subject to disclosure
20 under Chapter 552, Government Code.

21 SECTION 2. This Act takes effect on the 91st day after the
22 last day of the legislative session.