**BILL ANALYSIS**

H.B. 2486

By: Hefner

Homeland Security, Public Safety & Veterans' Affairs

Committee Report (Unamended)

**BACKGROUND AND PURPOSE**

Under current state law, there are no uniform rules that apply to certain information maintained by law enforcement agencies on employees licensed by the Texas Commission on Law Enforcement (TCOLE). There is also no uniform standard on whether certain information is public or confidential. In municipalities covered by municipal civil service, Chapter 143, Local Government Code, there are specific rules in statute that set out what information is to be maintained in a peace officers personnel file and what other information should be kept in a department file for the department’s own use. Under civil service there is a clear delineation between what information is public and what information is confidential. Also, personnel files maintained by the Department of Public Safety (DPS) on DPS-commissioned officers are afforded certain confidentiality protections under current law.

During the Sunset Review process for TCOLE last session, Section 1701.4535, Occupations Code, was passed that required TCOLE to develop a model policy on personnel files. The bill author has informed the committee that the bill language mirrors the model policy developed by TCOLE during the interim.

The bill author has also informed the committee that the bill will address how law enforcement agencies should handle certain information not in an employee’s personnel file under the model policy. This includes sensitive information, such as information relating to the family members of officers, hiring documents, and complaints against officers for which there was insufficient evidence to sustain a charge of misconduct.

H.B. 2486 seeks to address these issues by requiring the head of a law enforcement agency or the head's designee to maintain a “department file” on each agency employee who holds a TCOLE-issued license and by making those department files confidential under state public information law. The “department file” would be designated for the agency’s use.

Under the bill, law enforcement agency records on agency employees will maintain a uniform level of confidentiality across the state and the confidentiality protections will not depend on which political subdivision or agency employs an employee licensed by TCOLE.

The bill would also ensure that information held in a department file by one department is available to other law enforcement agencies and that information must also be provided to TCOLE in accordance with existing law or at their request.

**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**

H.B. 2486 amends Chapter 1701 Occupations Code to create a new provision related to law enforcement agency department files. The bill defines “department file” as a file maintained by a law enforcement agency for each license holder employed by the agency for the agency's use. The provides that the head of a law enforcement agency or the head's designee shall maintain a department file on each TCOLE license holder employed by the agency.

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.

The bill provides that in accordance with Section 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's department file.

The bill provides that a law enforcement agency shall provide contents from a license holder's department file to the commission (TCOLE) in accordance with Section 1701.4522(b)(1)(D); or upon request by the commission as part of an ongoing investigation relating to the license holder.

The bill further provides that a law enforcement agency may not release any information contained in a license holder's department file to any other agency or person requesting information relating to the license holder, except those requests made by another law enforcement agency or TCOLE.

The bill requires a law enforcement agency to refer the person or agency requesting the information to the agency head or the head's designee and provides that a department file maintained under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

**EFFECTIVE DATE**

September 1, 2025.