

BILL ANALYSIS

Senate Research Center

S.B. 781
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, personal information on our Texas law enforcement officers has been obtained by outside groups. Often this information contains a peace officer's address, names of family members, and any received awards.

Under current law, the confidentiality of a peace officer's personal information is dependent on whether a peace officer is employed by the state or if their employing political subdivision has adopted language in the Local Government Code, which the majority of cities have not.

S.B. 781 would protect all peace officers' personal information by codifying the Texas Commission on Law Enforcement's (TCOLE) model policy on department files. Specifically, this bill creates a confidential department file to contain any letter, memo, or document related to the license holder that is not included in a personnel file.

Under S.B. 781, a peace officer's department file will be available upon request pursuant to Occupations Code Section 1701.4522 (Misconduct Investigation and Hiring Procedures) and from TCOLE as part of an ongoing investigation related to the license holder.

S.B. 781 provides needed clarity on the confidentiality of a peace officer's personal information.

As proposed, S.B. 781 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 employed by the agency.

(c) Requires that a department file 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 (Personnel File), 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) Entitles a law enforcement agency hiring a license holder, as provided by Section 1701.451 (Preemployment Procedure), to view the contents of the license holder's department file.

(e) Requires a law enforcement agency to provide contents from a license holder's department file to the Texas Commission on Law Enforcement (TCOLE) in accordance with Section 1701.4522(b)(1)(D) (relating to requiring that an adopted policy require a law enforcement agency to complete an administrative investigation and prepare a report for TCOLE) or a request by TCOLE as part of an ongoing investigation relating to the license holder.

(f) Prohibits a law enforcement agency, except as provided by Subsections (d) and (e), 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: September 1, 2025.