

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 781
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, personal information on Texas law enforcement officers has been obtained through requests by activist groups and politically charged individuals. Often, this confidential information contains a peace officer's address, names of family members, and awards received.

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 certain language provided in Chapter 143, Local Government Code. Some cities have adopted privacy policies for their police departments.

However, the majority of cities have not adopted this policy and have no standardized process for maintaining a license holder's documents that are not contained in the personnel file. Many times, these documents are held with a city human resources department. This has led to dangerous situations for peace officers.

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

Under S.B. 781, a department file shall not be subject to public disclosure. However, a peace officer's department file will still be available upon request pursuant to Section 1701.4522 (Misconduct Investigation and Hiring Procedures), Occupations Code, and from TCOLE as part of an ongoing investigation related to the license holder.

S.B. 781 is necessary to protect a law enforcement officer's private information from being acquired by politically motivated individuals or disgruntled former colleagues. Furthermore, the bill provides needed clarity on the party responsible for maintaining the confidentiality of a peace officer's information.

The committee substitute provides a Texas Legislative Council version of this bill and makes no substantive changes.

C.S.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 the law enforcement agency's policy adopted in compliance 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.