

By: Miles

S.B. No. 281

A BILL TO BE ENTITLED

AN ACT

relating to the retention and required disclosure under the public information law of certain complaints alleging official oppression.

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

SECTION 1. Subchapter J, Chapter 143, Local Government Code, is amended by adding Section 143.364 to read as follows:

Sec. 143.364. RETENTION OF COMPLAINT AGAINST POLICE OFFICER. (a) A municipal department employing a police officer against whom is filed a complaint alleging conduct constituting official oppression under Section 39.03, Penal Code, shall:

(1) retain the complaint until at least the fifth anniversary of the date the police officer's employment with the municipality ends; and

(2) create an abstract of the complaint to retain indefinitely once the original complaint is destroyed.

(b) A discretionary exception to required disclosure provided by Chapter 552, Government Code, does not apply to a complaint or abstract described by Subsection (a).

(c) This section prevails over:

(1) any other provision of law; and

(2) any conflicting provision in an agreement entered into under this subchapter.

(d) This section does not prohibit the employing municipal

1 department from withholding information contained in a complaint or
2 abstract that is confidential under Section 552.117 or 552.1175,
3 Government Code.

4 (e) This section does not prohibit a person from asserting a
5 privacy interest in withholding a complaint or abstract.

6 SECTION 2. Subchapter A, Chapter 174, Local Government
7 Code, is amended by adding Section 174.009 to read as follows:

8 Sec. 174.009. RETENTION OF COMPLAINT AGAINST POLICE
9 OFFICER. (a) A department of a political subdivision employing a
10 police officer against whom is filed a complaint alleging conduct
11 constituting official oppression under Section 39.03, Penal Code,
12 shall:

13 (1) retain the complaint until at least the fifth
14 anniversary of the date the police officer's employment with the
15 political subdivision ends; and

16 (2) create an abstract of the complaint to retain
17 indefinitely once the original complaint is destroyed.

18 (b) A complaint or abstract described by Subsection (a) is
19 public information and is not excepted from required disclosure by
20 Section 552.108, Government Code.

21 (c) This section prevails over:

22 (1) any other provision of law; and

23 (2) any conflicting provision in a collective
24 bargaining agreement entered into under this chapter.

25 SECTION 3. Section 552.108, Government Code, is amended by
26 adding Subsection (c-1) to read as follows:

27 (c-1) The exception to disclosure provided by this section

1 does not apply to a complaint or abstract described by Section
2 143.364 or 174.009, Local Government Code, or Section 614.024 of
3 this code that a law enforcement agency or prosecutor uses in the
4 detection, investigation, or prosecution of a crime.

5 SECTION 4. Subchapter B, Chapter 614, Government Code, is
6 amended by adding Section 614.024 to read as follows:

7 Sec. 614.024. RETENTION BY MUNICIPALITIES OF COMPLAINT
8 AGAINST PEACE OFFICER. (a) If a municipality receives a complaint
9 against a peace officer employed by the municipality alleging
10 conduct constituting official oppression under Section 39.03,
11 Penal Code, the municipality shall:

12 (1) retain the complaint until at least the fifth
13 anniversary of the date the peace officer's employment with the
14 municipality ends; and

15 (2) create an abstract of the complaint to retain
16 indefinitely once the original complaint is destroyed.

17 (b) A discretionary exception to required disclosure
18 provided by Chapter 552 does not apply to a complaint or abstract
19 described by Subsection (a).

20 SECTION 5. Sections 143.364(c) and 174.009(c), Local
21 Government Code, as added by this Act, apply only to a contract
22 executed on or after the effective date of this Act. A contract
23 executed before the effective date of this Act is governed by the
24 law as it existed on the date the contract was executed, and the
25 former law is continued in effect for that purpose.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2025.