By: Miles S.B. No. 406

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

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

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

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

Sec. 174.009. RETENTION OF COMPLAINT AGAINST POLICE OFFICER. (a) A department of a political subdivision 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 political subdivision ends; and

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

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

(c) This section prevails over:

(1) any other provision of law; and

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

SECTION 3. Section 552.108, Government Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) The exception to disclosure provided by this section

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

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

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

(1) retain the complaint until at least the fifth anniversary of the date the peace 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 does not apply to a complaint or abstract described by Subsection (a).

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

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

provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.