

BILL ANALYSIS

Senate Research Center

S.B. 1134
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Intergovernmental Relations
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As Filed

DIGEST

Currently, state law relating to fire and police department records requires complaints and disciplinary actions of officers to be contained in the officer's personnel file. The concern exists that some overturned complaints maintained in an employee's personnel record are considered public record and may be used maliciously against a public employee. This bill requires a police or fire department in a city with a population of 1.5 million or more to transfer to an Internal Affairs Division file all documentation about completely overturned charges against a police officer or fire fighter.

PURPOSE

As proposed, S.B. 1134 requires a police or fire department in a city with a population of 1.5 million or more to transfer to an Internal Affairs Division file all documentation about completely overturned charges against a police officer or fire fighter.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 143.1214, Local Government Code, as follows:

Sec. 143.1214. New heading: RECORDS CONCERNING COMPLAINTS AND DISCIPLINARY ACTIONS. Requires a police or fire department to maintain an investigatory file that relates to any complaint of misconduct against a fire fighter or police officer, whether sustained or not, rather than to maintain a document relating to certain unsustained disciplinary actions. Authorizes the department to release information from investigatory files under Subsections (c) and (d), except that the department may release information from such investigatory files to another law enforcement agency or fire department. Requires only documents stipulating discipline received by a person to be forwarded by the department head to the personnel file maintained by the director. Sets forth provisions of documents to be forwarded. Prohibits files from being released to any party to an action until relevancy is judicially determined and an application for a protective order limiting the use of a file has been filed. Authorizes the department head to stipulate that a file is relevant. Requires an application for protective order to be filed by the department each time the file is sought in a civil or criminal cause of action.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.