

BILL ANALYSIS

Senate Research Center

S.B. 629
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Intergovernmental Relations
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As Filed

DIGEST

Currently, there is no state law that relates to the records of an overturned disciplinary action or an unsustained complaint against fire fighters and police officers in certain municipalities. Fire fighters and police officers are not entitled to the safeguards and protection given to Texas residents regarding false, unfounded, and unsustained grievances and complaints that are expunged. This bill sets forth provisions for records of overturned disciplinary actions or unsustained complaints against fire fighters and police officers.

PURPOSE

As proposed, S.B. 629 sets forth provisions for records of overturned disciplinary actions or unsustained complaints against fire fighters and police officers.

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 Chapter 143D, Local Government Code, by adding Section 143.058, as follows:

Sec. 143.058. RECORDS OF OVERTURNED DISCIPLINARY ACTION OR UNSUSTAINED COMPLAINT. Requires the department head which is the chief or head of a fire or police department to order the records of a disciplinary action taken against a fire fighter or police officer to be expunged from files maintained by the fire or police department if the disciplinary action was overturned on appeal by the Fire Fighters' and Police Officers' Civil Service Commission, an independent third-party examiner, or a court of competent jurisdiction. Requires the documents expunged under this subsection to include all documents that indicate disciplinary action was recommended or taken against the firefighter or police officer. Sets forth provisions to which this subsection does not apply. Requires the department to maintain certain documents only in a file created by the department for the department's use. Prohibits the department from releasing those documents to any agency or person except a law enforcement agency or fire department. Provides that the requirements of this section are in addition to the requirements of Section 143.089.

SECTION 2. Repealer: Section 143.1214, Local Government Code (Records of Overturned Disciplinary Action or Unsustained Complaint).

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.