

BILL ANALYSIS

Senate Research Center

C.S.S.B. 651
By: Carona
Intergovernmental Relations
3-6-97
Committee Report (Substituted)

DIGEST

Currently, Subchapter B, Chapter 614, Government Code, provides rules for the administration of complaints against fire fighters, police officers and law enforcement officers employed by the state. This subchapter requires a complaint against an officer or firefighter to be in writing and signed by the complainant before the complaint can be considered. Additionally, a copy of the complaint must be provided to the affected employee within a reasonable time after being filed and no disciplinary action may be taken based on a complaint unless a copy has been given to the employee. Despite these provisions, a complainant can make false accusations against an employee without fear of prosecution for perjury. S.B. 651 would require a complaint against an officer to be made under oath to increase the efficiency of the investigative process and protect the reputation of the employee.

PURPOSE

As proposed, C.S.S.B. 651 outlines provisions regarding complaints against peace officers and certain firefighters.

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 614.021, Government Code, to provide that this subchapter applies only to a complaint against a fire fighter and a police officer, rather than a fire fighter and a police officer who are not covered by a civil service statute.

SECTION 2. Amends Section 614.022, Government Code, as follows:

Sec. 614.022. New heading: COMPLAINT TO BE IN WRITING, UNDER OATH, AND SIGNED BY COMPLAINANT. Prohibits the complaint from being considered by the head of a state agency or by the head of a fire or police department unless the complaint is made under oath and in writing except as provided by Subsection (b). Sets forth instances in which the head of a state agency or the head of a fire or police department is authorized to investigate and consider a complaint that is not made under oath. Makes conforming and nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Section 614.021, Government Code, by deleting a provision regarding a certain fire fighter.

Amends SECTION 2, Section 614.022, Government Code, regarding provisions for the complaint.