

BILL ANALYSIS

Senate Research Center

H.B. 2006
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Criminal Justice
5/16/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Photographs of law enforcement officers, especially those who frequently go undercover, in the hands of criminals could harm the ability of those officers to perform their duties and pose a danger to their lives and the lives of their families.

The Texas Office of the Attorney General interprets current law to mean that photographs of police officers must be released unless good cause, such as endangerment to the officer, can be shown. Therefore, photographs must be released unless the applicable law enforcement department can show otherwise.

H.B. 2006 amends current law relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter F, Chapter 143, Local Government Code, by adding Section 143.090, as follows:

Sec. 143.090. RELEASE OF PHOTOGRAPHS OF POLICE OFFICERS. Prohibits a department, commission, or municipality from releasing a photograph that depicts a police officer unless:

- (1) the officer has been charged with an offense by indictment or by information;
- (2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;
- (3) the photograph is introduced as evidence in a judicial proceeding; or
- (4) the officer gives written consent to the release of the photograph.

SECTION 2. Amends Sections 143.1214(a) and (e), Local Government Code, as follows:

(a) Provides that this subsection does not require that records of an internal affairs division or other similar internal investigative division, rather than records of the internal affairs division, be expunged.

(e) Makes a conforming change

SECTION 3. Effective date: September 1, 2011.