

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1793
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Criminal Justice
5/2/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1793 lays out a specific process for filing complaints against law enforcement officers and firefighters that preserves due process for the officer with the least amount of restrictions towards investigations.

There are law enforcement and police officers who feel that they have been wrongfully terminated with a lack of due process from some departments after receiving complaints. These officers believe complaints should be received before the officer is required to respond to the complaint. Bringing uniformity in this area eliminates police departments from having its own process for complaints, which may cause confusion and create some feelings of fear for those who would like to respond to a formal complaint. S.B. 1793 solves this problem by outlining the specific process in which a complaint should be filed.

S.B. 1793 addresses this issue by ensuring that due process remains for the officer. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1793 amends current law relating to complaints filed against certain law enforcement officers, peace officers, detention officers, county jailers, and fire fighters.

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 B, Chapter 614, Government Code, by adding Section 614.0205, as follows:

Sec. 614.0205. DEFINITIONS. Defines "complaint," "law enforcement agency," and "law enforcement officer."

SECTION 2. Amends Section 614.021(a), Government Code, as follows:

(a) Provides that this subchapter (Complaint Against Law Enforcement Officer or Fire Fighter) applies, except as provided by Subsection (b) (relating to the exclusion from this subchapter of certain peace officers or firefighters), only to a complaint against a law enforcement officer appointed or employed by a law enforcement agency or a fire fighter employed by this state or a political subdivision of this state. Deletes existing text applying this subchapter to a law enforcement officer of the State of Texas, including an officer of the Texas Department of Public Safety or of the Texas Alcoholic Beverage Commission, a peace officer under Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, or other law who is appointed or employed by a political subdivision of this state, or a detention officer or county jailer who is appointed or employed by a political subdivision of this state. Makes nonsubstantive changes.

SECTION 3. Amends Section 614.022, Government Code, as follows:

Sec. 614.022. COMPLAINT TO BE IN WRITING AND SIGNED BY COMPLAINANT. (a) Creates this subsection from existing text. Requires that the complaint, to be considered by the head of a law enforcement agency or by the head of a fire department, rather than the head of a state agency or by the head of a fire department or local law enforcement agency, be in writing, signed by the person making the complaint, and filed with the head of the law enforcement agency or fire department or that person's designee, or an independent entity responsible for receiving the complaint. Makes nonsubstantive changes.

(b) Authorizes any person, including a law enforcement officer or an employee of a law enforcement agency or fire department, to file a complaint under this section.

SECTION 4. Amends Sections 614.023(a) and (b), Government Code, as follows:

(a) Requires that a copy of a signed complaint against an officer or employee to whom this subchapter applies be given to the officer or employee within a reasonable time after the complaint is filed. Deletes existing text requiring that a copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state be given to the officer or employee within a reasonable time after the complaint is filed.

(b) Prohibits disciplinary action from being taken against the officer or employee unless a signed complaint against the officer or employee is filed and a copy of the complaint, rather than a copy of the signed complaint, is given to the officer or employee not later than 36 hours before the disciplinary action is taken.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2017.