

CHAPTER 220

S.B. No. 719

AN ACT

relating to the records of an unsustained complaint or an overturned disciplinary action taken against a fire fighter or police officer in certain municipalities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter G, Chapter 143, Local Government Code, is amended by adding Section 143.1214 to read as follows:

Sec. 143.1214. RECORDS OF OVERTURNED DISCIPLINARY ACTION OR UNSUSTAINED COMPLAINT. (a) The department head promptly shall order that the records of a disciplinary action that was taken against a fire fighter or police officer be expunged from each file maintained on the fire fighter or police officer by the department if the disciplinary action was overturned on appeal by the commission, an independent third-party hearing examiner, or a court of competent jurisdiction. Documents that must be expunged under this subsection include all documents that indicate disciplinary action was recommended or taken against the fire fighter or police officer, such as the recommendations of a disciplinary committee or a letter of suspension. This subsection does not apply if the disciplinary action was only reduced and not overturned nor shall this subsection apply if the fire fighter or police officer is charged with excessive force that results in a death or injury and the charge is being investigated by a law enforcement or criminal justice agency other than the department.

(b) The department shall maintain an investigatory document that relates to a disciplinary action against a fire fighter or police officer that was overturned on appeal, or any document in the possession of the department that relates to a charge of misconduct against a fire fighter or police officer that the department did not sustain, only in a file created by the department for the department's use. The department may not release those documents to any agency or other person except another law enforcement agency or fire department.

SECTION 2. Section 143.1214, Local Government Code, as added by this Act, applies according to its terms to a disciplinary action that is overturned or a complaint that is found to be unsustained before, on, or after the effective date of this Act.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 21, 1993: Yeas 30, Nays 0; the Senate concurred in House amendment on May 13, 1993, by a viva-voce vote; passed the House, with amendment, on May 11, 1993, by a non-record vote.

Approved May 18, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.