

CHAPTER 23

S.B. No. 274

AN ACT

relating to interrogation and rights of fire fighters and police officers in certain cities.

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

SECTION 1. Subsection (g), Section 30, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes), is amended to read as follows:

(g) Before an investigator may interrogate an employee who is subject to an investigation, the investigator must inform the employee in writing of the nature of the investigation and the names of the persons who have complained about the employee concerning the matters under investigation. An investigator may not conduct an interrogation of an employee based on a complaint by a person who is not a peace officer unless the person verifies the complaint in writing before a public officer who is authorized by law to take statements under oath. An investigator may interrogate an employee about events or conduct reported by a witness who is not a complainant without disclosing the name of the witness. As used in this subsection, "complainant" means a person claiming to be the victim of *employee* [~~police~~] misconduct. This subsection does not prohibit an interrogation based on a complaint from an anonymous complainant if the departmental employee receiving the anonymous complaint certifies in writing, under oath, that the complaint was indeed anonymous. This subsection does not apply to on-the-scene investigations that occurred immediately after an incident being investigated if the limitations of this subsection would unreasonably hinder the essential purpose of the investigation or interrogation. If the limitation would hinder the investigation or interrogation, the employee under investigation must be furnished, as soon as practicable, a written statement of the nature of the investigation and the names of the complaining parties.

SECTION 2. 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 March 26, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on April 2, 1987, by the following vote: Yeas 132, Nays 0, one present not voting.

Approved April 14, 1987.

Effective April 14, 1987.