

1 AN ACT

2 relating to complaints against certain peace officers, fire  
3 fighters, detention officers, and county jailers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 614, Government Code, is  
6 amended to read as follows:

7 SUBCHAPTER B. COMPLAINT AGAINST LAW ENFORCEMENT OFFICER  
8 OR FIRE FIGHTER

9 Sec. 614.021. APPLICABILITY OF SUBCHAPTER. (a) Except as  
10 provided by Subsection (b), this [~~This~~] subchapter applies only to  
11 a complaint against:

12 (1) a law enforcement officer of the State of Texas,  
13 including an officer of the Department of Public Safety or of the  
14 Texas Alcoholic Beverage Commission;

15 (2) a fire fighter who is employed by this state or a  
16 political subdivision of this state [~~not covered by a civil service~~  
17 ~~statute~~]; [~~or~~]

18 (3) a peace [~~police~~] officer under Article 2.12, Code  
19 of Criminal Procedure, or other law who is appointed or employed by  
20 a political subdivision of this state; or

21 (4) a detention officer or county jailer who is  
22 appointed or employed by a political subdivision of this state [~~not~~  
23 ~~covered by a civil service statute~~].

24 (b) This subchapter does not apply to a peace officer or

1 fire fighter appointed or employed by a political subdivision that  
2 is covered by a meet and confer or collective bargaining agreement  
3 under Chapter 143 or 174, Local Government Code, if that agreement  
4 includes provisions relating to the investigation of, and  
5 disciplinary action resulting from, a complaint against a peace  
6 officer or fire fighter, as applicable.

7       Sec. 614.022. COMPLAINT TO BE IN WRITING AND SIGNED BY  
8 COMPLAINANT. To be considered by the head of a state agency or by  
9 the head of a fire [~~or police~~] department or local law enforcement  
10 agency, the complaint must be:

- 11               (1) in writing; and  
12               (2) signed by the person making the complaint.

13       Sec. 614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR  
14 EMPLOYEE. (a) A copy of a signed complaint against a law  
15 enforcement officer of this state or a [✓] fire fighter, detention  
16 officer, county jailer, or peace [~~police~~] officer appointed or  
17 employed by a political subdivision of this state shall be given to  
18 the officer or employee within a reasonable time after the  
19 complaint is filed.

20               (b) Disciplinary action may not be taken against the officer  
21 or employee unless a copy of the signed complaint is given to the  
22 officer or employee.

23               (c) In addition to the requirement of Subsection (b), the  
24 officer or employee may not be indefinitely suspended or terminated  
25 from employment based on the subject matter of the complaint  
26 unless:

- 27                       (1) the complaint is investigated; and

1           (2) there is evidence to prove the allegation of  
2 misconduct.

3           SECTION 2. The change in law made by this Act applies only  
4 in relation to a complaint filed on or after the effective date of  
5 this Act. A complaint filed before the effective date of this Act  
6 is governed by the law in effect on the date the complaint was  
7 filed, and the former law is continued in effect for that purpose.

8           SECTION 3. This Act takes effect September 1, 2005.

David Swinhart

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 639 was passed by the House on March 9, 2005, by a non-record vote.

Robert Nancy

Chief Clerk of the House

I certify that H.B. No. 639 was passed by the Senate on May 19, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED: 17 JUNE '05

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:20 AM O'CLOCK

Roger Williams  
Secretary of State