

A BILL TO BE ENTITLED AN ACT

relating to complaints against certain peace officers and firefighters.

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

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

SUBCHAPTER B: COMPLAINT AGAINST LAW ENFORCEMENT OFFICER OR FIRE FIGHTER

Sec. 614.021 APPLICABILITY OF SUBCHAPTER

This subchapter applies only to a complaint against:

- 1) a law enforcement officer of the State of Texas, including an officer of the Department of Public Safety or of the Texas Alcoholic Beverage Commission;
- 2) a fire fighter who is employed by this state or a political subdivision of this state; or
- 3) a peace officer under Article 2.12, Code of Criminal Procedure, or other law who is appointed or employed by a political subdivision of this state.

Sec. 614.022 COMPLAINT TO BE IN WRITING AND SIGNED BY COMPLAINANT

To be considered by the head of a state agency or by the head of a fire department or local law enforcement agency, the complaint must be:

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

Sec. 614.023 COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR EMPLOYEE

(a) A copy of a signed complaint against a law enforcement officer of this state, fire fighter employed by this state or a political subdivision of this state, or peace officer appointed or employed by a political subdivision of this state shall be given to the officer or employee within a reasonable time after the complaint is filed.

(b) Disciplinary action may not be taken against the officer or employee unless:

- 1) a copy of the signed complaint is given to the officer or employee;
- 2) the complaint is investigated; and
- 3) there is sufficient evidence to prove the allegation of misconduct.

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

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