

By: Zerwas

H.B. No. 640

A BILL TO BE ENTITLED

AN ACT

relating to personnel records of a deputy sheriff in certain counties.

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

SECTION 1. Subchapter Z, Chapter 157, Local Government Code, is amended by adding Section 157.905 to read as follows:

Sec. 157.905. PERSONNEL RECORDS OF DEPUTY SHERIFF IN CERTAIN COUNTIES. (a) This section applies only to a sheriff's department in a county with a population of 300,000 or more.

(b) In this section, "personnel record" includes any letter, memorandum, or document maintained by the sheriff's department that relates to a deputy sheriff, including background investigations, employment applications, employment contracts, service and training records, requests for off-duty employment, birth records, reference letters, letters of recommendation, performance evaluations and counseling records, results of physical tests, polygraph questionnaires and results, proficiency tests, the results of health examinations and other medical records, workers' compensation files, the results of psychological examinations, leave requests, requests for transfers of shift or duty assignments, commendations, promotional processes, demotions, complaints and complaint investigations, employment-related grievances, and school transcripts.

(c) The personnel records of a sheriff's deputy appointed

1 under Section 85.003 may not be disclosed or otherwise made  
2 available to the public, except the sheriff's department shall  
3 release, in accordance with Chapter 552, Government Code:

4 (1) any letter, memorandum, or document relating to:

5 (A) a commendation, congratulation, or honor  
6 bestowed on the deputy for an action, duty, or activity that relates  
7 to the deputy's official duties; and

8 (B) misconduct by the deputy, if the letter,  
9 memorandum, or document resulted in disciplinary action;

10 (2) the application for employment submitted by the  
11 deputy, but not including any attachments to the application;

12 (3) any reference letter submitted by the deputy;

13 (4) any letter of recommendation for the deputy;

14 (5) any employment contract with the deputy;

15 (6) any periodic evaluation of the deputy by a  
16 supervisor;

17 (7) any document recording a promotion or demotion of  
18 the deputy;

19 (8) any request for leave by the deputy;

20 (9) any request by the deputy for transfers of shift or  
21 duty assignments;

22 (10) any documents presented and considered at a  
23 public hearing under Chapter 158;

24 (11) the deputy's:

25 (A) name;

26 (B) age;

27 (C) dates of employment;

1                   (D) positions held; and  
2                   (E) gross salary; and  
3                   (12) information about the location of the deputy's  
4 department duty assignments.

5           (d) The sheriff's department may release any personnel  
6 record of a deputy appointed under Section 85.003:

7                   (1) pursuant to a subpoena or court order, including a  
8 discovery order;

9                   (2) for use by the sheriff's department in an  
10 administrative hearing; or

11                   (3) with the written authorization of the deputy who  
12 is the subject of the record.

13           (e) A release of information under Subsection (d) does not  
14 waive the right to assert in the future that the information is  
15 excepted from required disclosure under this section or other law.

16           SECTION 2. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2009.