

1-1 By: Hancock S.B. No. 2209  
 1-2 (In the Senate - Filed March 9, 2023; March 22, 2023, read  
 1-3 first time and referred to Committee on Local Government;  
 1-4 April 24, 2023, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 2; April 24, 2023,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

|                 | Yea | Nay | Absent | PNV |
|-----------------|-----|-----|--------|-----|
| 1-8 Bettencourt | X   |     |        |     |
| 1-9 Springer    | X   |     |        |     |
| 1-10 Eckhardt   |     | X   |        |     |
| 1-11 Gutierrez  |     |     | X      |     |
| 1-12 Hall       | X   |     |        |     |
| 1-13 Nichols    | X   |     |        |     |
| 1-14 Parker     | X   |     |        |     |
| 1-15 Paxton     | X   |     |        |     |
| 1-16 West       |     | X   |        |     |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2209 By: Springer

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the disclosure of information in department files of  
 1-22 fire fighters or police officers and civilian oversight boards in  
 1-23 certain municipalities.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 143.003, Local Government Code, is  
 1-26 amended by amending Subdivision (1) and adding Subdivision (1-a) to  
 1-27 read as follows:

1-28 (1) "Civilian oversight board" means a board  
 1-29 established by a municipality to practice oversight, monitoring, or  
 1-30 investigations of fire fighters or police officers or departments.

1-31 (1-a) "Commission" means the Fire Fighters' and Police  
 1-32 Officers' Civil Service Commission.

1-33 SECTION 2. Subchapter A, Chapter 143, Local Government  
 1-34 Code, is amended by adding Section 143.017 to read as follows:

1-35 Sec. 143.017. INVESTIGATION BY CIVILIAN OVERSIGHT BOARD  
 1-36 PROHIBITED. An investigation under this chapter may not be  
 1-37 performed by a civilian oversight board.

1-38 SECTION 3. Sections 143.089(b) and (f), Local Government  
 1-39 Code, are amended to read as follows:

1-40 (b) A letter, memorandum, or document relating to alleged  
 1-41 misconduct by the fire fighter or police officer:

1-42 (1) may not be placed in the person's personnel file if  
 1-43 the employing department determines that there is insufficient  
 1-44 evidence to sustain the charge of misconduct; and

1-45 (2) except as provided by Section 1701.451,  
 1-46 Occupations Code, may not be released to any agency or person  
 1-47 requesting the letter, memorandum, or document if there is a  
 1-48 pending investigation into the alleged misconduct.

1-49 (f) The director or the director's designee may not release  
 1-50 any information contained in a fire fighter's or police officer's  
 1-51 personnel file without first obtaining the person's written  
 1-52 permission, unless the release of the information is required by  
 1-53 law or for a law enforcement purpose.

1-54 SECTION 4. Subchapter F, Chapter 143, Local Government  
 1-55 Code, is amended by adding Sections 143.091 and 143.092 to read as  
 1-56 follows:

1-57 Sec. 143.091. MUTUAL AGREEMENT SUPERSEDES CERTAIN  
 1-58 MUNICIPAL LAW. For a municipality with a collective bargaining  
 1-59 agreement or a meet-and-confer agreement with the municipality's  
 1-60 fire department or police department, the agreement supersedes an

2-1 ordinance, executive order, or rule adopted by the municipality.

2-2 Sec. 143.092. ELIGIBILITY FOR CIVILIAN OVERSIGHT BOARD. A

2-3 person is not eligible to serve on a civilian oversight board if the

2-4 person has been:

2-5 (1) convicted of or placed on deferred adjudication

2-6 community supervision for a felony offense; or

2-7 (2) convicted of a crime of moral turpitude.

2-8 SECTION 5. Section 143.091, Local Government Code, as added

2-9 by this Act, applies to a collective bargaining agreement or a

2-10 meet-and-confer agreement that was in effect on or after January 1,

2-11 2023.

2-12 SECTION 6. This Act takes effect September 1, 2023.

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