

HB 3145 -1, -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/22, 2/24

WHAT THE MEASURE DOES:

Requires Department of Public Safety Standards and Training (DPSST) to establish statewide online database for public display of information related to law enforcement officer misconduct. Includes complaints, allegations, charges, disciplinary proceedings, certification actions, state or federal criminal charges, civil proceedings related to conduct under color of law, judicial findings or determinations by the Department of Justice as to acts of deception, dishonesty, misrepresentation or use of force, and outcomes of investigations into complaints. Requires law enforcement unit to send complaints, charges, disciplinary actions, and judicial findings against a public safety employee to DPSST within 10 days of action. Requires law enforcement agency to notify DPSST within 72 hours of receiving notice of criminal charges or applicable civil proceedings. Requires law enforcement units to begin reporting on a staggered basis by size of agency by July 1, 2021. Modifies crime of tampering with public records to prohibit knowingly directing another person to destroy records or to recklessly tamper with records. Conforms public record laws. Specifies provisions do not affect collective bargaining agreements in effect. Repeals section of House Bill 4207 from first special session of 2020 relating to termination or suspension database. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 1 Directs law enforcement agencies to adopt policies requiring officers to notify agency of relevant civil actions within 72 hours of service of complaint.
- 2 Removes youth correction officers from the measure.

BACKGROUND:

House Bill 4207 of the first Special Session required the Department of Public Safety Standards and Training to publish information in an accessible online database as to suspension or revocation of an officer's certification and required law enforcement agencies to request the personnel file of any officer it might hire before extending an offer of employment to that officer.

House Bill 3145 repeals the section of HB 4207 relating to the DPSST database and replaces it with a more robust and in-depth online database. Content required in the database includes complaints, allegations, and charges relating to public safety employees, the status and findings of disciplinary proceedings and certification actions, the existence and status of any criminal charges against the employee, the existence and status of relevant civil proceedings, the existence of any judicial findings or determination by a prosecutor that the employee engaged in acts of deception, dishonest, misrepresentation or used excessive force. In many instances, actions reported to DPSST must be made public within 10 days of DPSST receiving the report. Exceptions exist for actions under appeal or actions subject to arbitration. The measure requires reports to the Legislature summarizing and analyzing data in the database. HB 3145 provides a mechanism for correcting or removing misinformation on the database. The measure also makes recklessly tampering with public records a Class C Misdemeanor and includes directing another to tamper with public records as a Class A misdemeanor. The measure requires agencies to begin contributing to the database on a rolling basis based on size, starting July 1, 2021. Declares emergency and

is effective on passage.

PRELIMINARY