

HB 3145 -1, -2, -3, -4, -6, -9 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, 3/8, 3/15, 3/17, 3/22, 3/31, 4/5, 4/6, 4/8

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.
- 3 Specifies that law enforcement unit does not include a law enforcement unit of a tribal government.
- 4 Replaces measure. Requires report to Department of Public Safety Standards and Training (DPSST) within 10 days of discipline that imposes economic sanctions on police officer becomes final. Requires report to include name and rank of officer disciplined, names of unit at which officer was employed, and a description of the facts underlying the discipline imposed, including a copy of any final decision. Requires DPSST to post information to existing database on suspensions and revocations within 10 days of receipt.
- 6 Replaces measure. Requires law enforcement units to maintain records of complaints, allegations and charges against public safety employees employed by the unit and the outcome of investigations into complaints. Removes public record exemptions for personnel discipline actions and personnel investigations of an employee that do not result in discipline of the employee. Requires Department of Public Safety Standards and Training (DPSST) to establish a statewide online database of substantial complaints, allegations, and charges of use of excessive force, and complaints whether substantiated or unsubstantiated, when an officer resigns or is terminated from employment. The database must also include the existence, status and findings of certification actions and federal or state criminal charges, as well as a judicial finding or determination that a public safety employee engaged in an act of deception, dishonest, or misrepresentation. Requires inclusion of any commendations or awards. Requires reporting of the existence and status of any civil proceeding against a law enforcement unit that relates to the unit's professional duties. Requires DPSST to maintain records in database for

This summary has not been adopted or officially endorsed by action of the committee.

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at least 30 years from date of entry. 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. Provides process for employee to correct entry in database. Applies to police officers, certified reserve officers, corrections officers, parole and probation officers, or youth correction officers. Declares emergency, effective on passage.

-9 Replaces measure. Requires report to Criminal Justice Commission (CJC) within 10 days of discipline that imposes economic sanctions on police officer becomes final. Requires report to include name and rank of officer disciplined, names of unit at which officer was employed, and a description of the facts underlying the discipline imposed, including a copy of any final decision. Requires CJC to establish public statewide online database of finalized discipline with economic sanctions and to post reports received within 10 days of receipt. Requires annual report to appropriate committee of Legislative Assembly summarizing and analyzing data in database. Removes public record exemptions for personnel discipline actions and personnel investigations of an employee that do not result in discipline of the employee. Specifies CJC reporting and display of information becomes operative September 15, 2021. Declares emergency, effective on passage.

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.