

HB 2929 A -A4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

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Meeting Dates: 5/11, 5/12, 5/24

WHAT THE MEASURE DOES:

Provides process for an officer report of police misconduct or violations of minimum standards for physical, emotional, intellectual and moral fitness. Requires report of misconduct or violation of minimum standards be made to direct supervisor of reporting officer, person in reporting officer's chain of command, or the Department of Public Safety Standards and Training (DPSST). Specifies that if person receiving report does not have authority to direct an investigation into alleged misconduct or violation of minimum standard, then that person must report to a person who does have that authority within 72 hours of receiving report. Requires investigation into reported misconduct or violation of minimum standard to be completed within three months of date of report unless circumstances exist to prevent completion. Requires notification to DPSST when investigation results in finding that substantiates misconduct report. Removes violations of minimum standards for physical, emotional, intellectual and moral fitness from definition of misconduct. Specifies substantiated reports of violation of minimum standards need not be reported. Requires DPSST to establish and maintain a form for reports of misconduct or violation of minimum standards. Requires DPSST to make the form available on website. Requires DPSST to forward reports directly from law enforcement officer to the law enforcement unit employing the subject of the report.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A4 Removes public record exemptions for personnel discipline actions and personnel investigations of an employee that do not result in discipline of the employee. Removes public record exemption for disciplinary records of police officer. Requires law enforcement unit to maintain disciplinary records for at least 30 years after the record is created. Modifies crime of tampering with public records to prohibit knowingly directing another person to destroy records or to recklessly tamper with records. Defines "disciplinary records" to include all records created in furtherance of a disciplinary proceeding that are more than those based on a technical violation.

BACKGROUND:

In the first special session of 2020, House Bill 4205 established a duty to intervene in misconduct. The duty applies to any officer, regardless of rank or assignment, to intervene to stop or prevent misconduct by another officer. Misconduct includes excessive or unjustified use of force or force in violation of the unit's use of force policy, sexual harassment or sexual misconduct, discrimination, criminal activity, or a violation of minimum standards established for public safety personnel. The measure also imposed a duty to report misconduct as soon as practicable, but no later than 72 hours after witnessing the misconduct. House Bill 4205 was silent on the mechanics of the reporting requirement.

House Bill 2929 A establishes processes and procedures for providing reporting details required by House Bill 4205.