

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	HB2132
Version:	CS
Request Number:	5475
Author:	Rep. George
Date:	3/06/2023
Impact:	OAG: Revenue neutral

Research Analysis

The CS to HB 2132 provides that when evaluating the credibility of a peace officer who is serving or will serve as a witness in a criminal proceeding, the attorney representing the state may not disqualify the peace officer as a witness on the basis of an allegation of misconduct by the peace officer that has not been finally adjudicated as sustained. The measure allows a peace officer who is the subject of an allegation of misconduct or has been placed on a list of noncredible peace officers by a law enforcement agency or an attorney representing the state to dispute the report or listing. If a peace officer has been placed on a Brady/Giglio list or similar list of noncredible peace officers due to an allegation of misconduct and the administrative process addressing the allegation is still pending or has been appealed, the administrative law judge is to find in favor of the peace officer. If the administrative law judge finds the allegations of misconduct are not supported by a preponderance of the evidence, the law enforcement agency and attorney for the state may not rely on said allegations for any purpose.

Prepared By: Brad Wolgamott

Fiscal Analysis

This measure would direct the Office of the Attorney General (OAG) to conduct some contested case hearings relating to peace officer misconduct. The OAG anticipates that this measure would be revenue neutral.

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.