

By: Powell

S.B. No. 1864

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain telecommunicators for workers' compensation and other benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 615.003, Government Code, is amended to read as follows:

Sec. 615.003. APPLICABILITY. This chapter applies only to eligible survivors of the following individuals:

(1) an individual:

(A) elected, appointed, or employed as a peace officer by the state or a political subdivision of the state under Article 2.12, Code of Criminal Procedure, or other law; or

(B) employed as a peace officer by a private institution of higher education, including a private junior college, that is located in this state under Section 51.212, Education Code;

(2) a paid probation officer appointed by the director of a community supervision and corrections department who has the duties set out in Section 76.002 and the qualifications set out in Section 76.005, or who was appointed in accordance with prior law;

(3) a parole officer employed by the Texas Department of Criminal Justice who has the duties set out in Section 508.001 and the qualifications set out in Section 508.113 or in prior law;

(4) a paid jailer;

1 (5) a member of an organized police reserve or
2 auxiliary unit who regularly assists peace officers in enforcing
3 criminal laws;

4 (6) a member of the class of employees of the
5 correctional institutions division formally designated as
6 custodial personnel under Section 615.006 by the Texas Board of
7 Criminal Justice or its predecessor in function;

8 (7) a jailer or guard of a county jail who is appointed
9 by the sheriff and who:

10 (A) performs a security, custodial, or
11 supervisory function over the admittance, confinement, or
12 discharge of prisoners; and

13 (B) is certified by the Texas Commission on Law
14 Enforcement;

15 (8) a juvenile correctional employee of the Texas
16 Juvenile Justice Department;

17 (9) an employee of the Department of Aging and
18 Disability Services or Department of State Health Services who:

19 (A) works at the department's maximum security
20 unit; or

21 (B) performs on-site services for the Texas
22 Department of Criminal Justice;

23 (10) an individual who is employed by the state or a
24 political or legal subdivision and is subject to certification by
25 the Texas Commission on Fire Protection;

26 (11) an individual employed by the state or a
27 political or legal subdivision whose principal duties are aircraft

1 crash and rescue fire fighting;

2 (12) a member of an organized volunteer fire-fighting
3 unit that:

4 (A) renders fire-fighting services without
5 remuneration; and

6 (B) conducts a minimum of two drills each month,
7 each two hours long;

8 (13) an individual who:

9 (A) performs emergency medical services or
10 operates an ambulance;

11 (B) is employed by a political subdivision of the
12 state or is an emergency medical services volunteer as defined by
13 Section 773.003, Health and Safety Code; and

14 (C) is qualified as an emergency care attendant
15 or at a higher level of training under Section 773.046, 773.047,
16 773.048, 773.049, or 773.0495, Health and Safety Code;

17 (14) an individual who is employed or formally
18 designated as a chaplain for:

19 (A) an organized volunteer fire-fighting unit or
20 other fire department of this state or of a political subdivision of
21 this state;

22 (B) a law enforcement agency of this state or of a
23 political subdivision of this state; or

24 (C) the Texas Department of Criminal Justice;

25 (15) an individual who is employed by the state or a
26 political subdivision of the state and who is considered by the
27 governmental employer to be a trainee for a position otherwise

1 described by this section;

2 (16) an individual who is employed by the Department
3 of Public Safety and, as certified by the director, is:

4 (A) deployed into the field in direct support of
5 a law enforcement operation, including patrol, investigative,
6 search and rescue, crime scene, on-site communications, or special
7 operations; and

8 (B) given a special assignment in direct support
9 of operations relating to organized crime, criminal interdiction,
10 border security, counterterrorism, intelligence, traffic
11 enforcement, emergency management, regulatory services, or special
12 investigations; ~~or~~

13 (17) an individual who is employed by the Parks and
14 Wildlife Department and, as certified by the executive director of
15 the Parks and Wildlife Department, is:

16 (A) deployed into the field in direct support of
17 a law enforcement operation, including patrol, investigative,
18 search and rescue, crime scene, on-site communications, or special
19 operations; and

20 (B) given a special assignment in direct support
21 of operations relating to organized crime, criminal interdiction,
22 border security, counterterrorism, intelligence, traffic
23 enforcement, emergency management, regulatory services, or special
24 investigations; or

25 (18) a telecommunicator, as defined by Section
26 1701.001, Occupations Code.

27 SECTION 2. Section 504.019(a)(1), Labor Code, is amended to

1 read as follows:

2 (1) "First responder" means an individual employed by
3 a political subdivision of this state who is:

4 (A) a peace officer under Article 2.12, Code of
5 Criminal Procedure;

6 (B) a person licensed under Chapter 773, Health
7 and Safety Code, as an emergency care attendant, emergency medical
8 technician, emergency medical technician-intermediate, emergency
9 medical technician-paramedic, or licensed paramedic; ~~or~~

10 (C) a firefighter subject to certification by the
11 Texas Commission on Fire Protection under Chapter 419, Government
12 Code, whose principal duties are firefighting and aircraft crash
13 and rescue; or

14 (D) a telecommunicator, as defined by Section
15 1701.001, Occupations Code.

16 SECTION 3. Section 504.055(a), Labor Code, is amended to
17 read as follows:

18 (a) In this section, "first responder" means:

19 (1) an individual employed by a political subdivision
20 of this state who is:

21 (A) a peace officer under Article 2.12, Code of
22 Criminal Procedure;

23 (B) a person licensed under Chapter 773, Health
24 and Safety Code, as an emergency care attendant, emergency medical
25 technician, emergency medical technician-intermediate, emergency
26 medical technician-paramedic, or licensed paramedic; or

27 (C) a firefighter subject to certification by the

1 Texas Commission on Fire Protection under Chapter 419, Government
2 Code, whose principal duties are firefighting and aircraft crash
3 and rescue; ~~[or]~~

4 (2) an individual covered under Section 504.012(a) who
5 is providing volunteer services to a political subdivision of this
6 state as:

7 (A) a volunteer firefighter, without regard to
8 whether the volunteer firefighter is certified under Subchapter D,
9 Chapter 419, Government Code; or

10 (B) an emergency medical services volunteer, as
11 defined by Section 773.003, Health and Safety Code; or

12 (3) a telecommunicator, as defined by Section
13 1701.001, Occupations Code.

14 SECTION 4. (a) Except as otherwise provided by this
15 section, the changes in law made by this Act apply only to a claim
16 for financial assistance or workers' compensation benefits based on
17 a compensable injury or death that occurs on or after September 1,
18 2019. A claim based on a compensable injury or death that occurs
19 before that date is governed by the law as it existed on the date the
20 compensable injury or death occurred, and the former law is
21 continued in effect for that purpose.

22 (b) A person who on or after September 1, 2019, but before
23 the effective date of this Act, filed a claim for financial
24 assistance or workers' compensation benefits based on a compensable
25 injury or death that occurred on or after that date, and whose claim
26 was subsequently denied may file another claim on or after the
27 effective date of this Act, and the changes in law made by this Act

1 apply to that claim.

2 SECTION 5. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2021.