

BILL ANALYSIS

C.S.S.B. 482
By: Madla
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the survivors of certain law enforcement officers, firefighters, and certain other individuals killed in the line of duty are eligible for financial assistance. In 2002, the 107th United States Congress passed a law providing benefits to the survivors of police and fire chaplains. CSSB 482 mirrors this federal law by adding the survivors of certain police and fire chaplains killed in the line of duty to those individuals who are eligible for state benefits under Chapter 615, Government Code.

The substitute also clarifies an issue regarding what actions constitute behavior in the “line of duty.” Currently, some survivors are denied benefits they should otherwise receive because there is ambiguity in the statute regarding the actions the employee must be engaged in at the time of his or her death in order for the survivor to be eligible for benefits.

CSSB 482 would simplify the language in the statute to ensure that survivors of certain law enforcement, fire suppression, and other individuals receive financial assistance when their loved one is killed while in the line of duty.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends Section 615.003, Government Code, by adding subdivision (14) to add the eligible survivors of chaplains of certain fire fighting units, law enforcement agencies, or the Texas Department of Criminal Justice to the list of individuals who may benefit from the provisions of this chapter.

The bill also amends Sections 615.021, 615.072, 615.105, and 615.121, Government Code, to provide that a survivor of certain law enforcement, fire suppression, or emergency medical services employees is eligible for financial assistance if the employee died as a result of a personal injury sustained in the line of duty, and if the survivor is the spouse, child, or parent of the employee.

The bill further requires that if there is reasonable doubt as to the circumstances surrounding the death of the employee, it should be resolved in favor of providing the financial assistance to the survivor of the employee. The bill defines “personal injury” as a traumatic injury, or a disease or condition that is caused from the injury and defines “line of duty” as an action by the employee in which the employee is obligated by rule, regulation, condition of employment of service, or law to perform. Such actions also include any social, ceremonial, or athletic functions to which the employee is assigned to by his or her employer.

The bill amends Section 811.001, Government Code, to define “occupational death or disability” as a death or disability from an injury, or a disease or condition, resulting from an action by the employee in which the employee is obligated by rule, regulation, condition of employment of service, or law to perform. Such actions also include any social, ceremonial, or athletic functions to which the employee is assigned to by his or her employer. The bill makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by clarifying language in the statute regarding the actions considered in the “line of duty” to ensure that survivors of certain law enforcement, fire suppression, and other individuals receive financial assistance when their loved one is killed while in the line of duty.