

BILL ANALYSIS

S.B. 1114
By: Williams
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires the Texas Department of Public Safety (DPS) to promulgate reasonable guidelines relating to acceptable off-duty employment by its commissioned officers. It has been DPS practice to deny secondary employment, usually for a period of six months, to any officer who is placed on disciplinary probation. Senate Bill 1114 addresses this issue by requiring the guidelines to be applied uniformly to all supervisory and nonsupervisory commissioned officers.

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

Senate Bill 1114 amends Section 411.0077, Government Code, by amending Subsections (b) and (c) and adding Subsection (b-1), as follows:

(b) Requires the guidelines adopted by DPS to be uniformly applied to all supervisory and nonsupervisory commissioned officers.

(b-1) If DPS denies approval of a commissioned officer's secondary employment or proposed secondary employment, the bill requires the director or the director's designee to promptly notify the officer in writing of the specific guideline upon which the decision is based. Requires the notice to explain why the secondary employment or proposed secondary employment is prohibited by the referenced guideline.

(c) Provides that if a commissioned officer is engaged in off-duty employment that the officer believes, in good faith, is not prohibited by a specific guideline, the officer is authorized to engage in the off-duty employment until the director or the director's designee informs the officer in writing that the employment is not acceptable.

EFFECTIVE DATE

This Act takes effect September 1, 2003.