

By: Hopson

H.B. No. 464

A BILL TO BE ENTITLED

AN ACT

relating to the hazardous duty performed by certain custodial officers of the Texas Department of Criminal Justice.

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

SECTION 1. Subchapter L, Chapter 659, Government Code, is amended by adding Section 659.3071 to read as follows:

Sec. 659.3071. LIFETIME SERVICE CREDIT FOR CERTAIN CUSTODIAL OFFICERS. (a) In the computation of an individual's lifetime service credit under Section 659.307(a), the individual is entitled to include as months served in a hazardous duty position any months that the individual served as an employee of the Texas Department of Mental Health and Mental Retardation at the maximum security unit of Rusk State Hospital before July 1, 1988, if the individual:

(1) was authorized under the General Appropriations Act for a step increase in pay for the individual's service at Rusk State Hospital before July 1, 1988; and

(2) on September 1, 2003, is employed by the Texas Department of Criminal Justice as a custodial officer:

(A) as defined by Section 811.001; or

(B) who satisfies the definition of custodial officer under Section 811.001, except that the individual is a retiree.

(b) An individual entitled to additional lifetime service

1 credit under Subsection (a) is not entitled to retroactive pay for
2 that service.

3 SECTION 2. Section 811.001(8), Government Code, is amended
4 to read as follows:

5 (8) "Custodial officer" means a member of the
6 retirement system who is employed by the Board of Pardons and
7 Paroles or the Texas Department of Criminal Justice as a parole
8 officer or caseworker or who is employed by the institutional
9 division or the state jail division of the Texas Department of
10 Criminal Justice and certified by the department as having a normal
11 job assignment that requires frequent or infrequent regularly
12 planned contact with, and in close proximity to, inmates of the
13 institutional division or inmates or defendants confined in the
14 state jail division without the protection of bars, doors, security
15 screens, or similar devices and includes assignments normally
16 involving supervision or the potential for supervision of inmates
17 in inmate housing areas, educational or recreational facilities,
18 industrial shops, kitchens, laundries, medical areas, agricultural
19 shops or fields, or in other areas on or away from property of the
20 institutional division or the state jail division. The term
21 includes a member who transfers from the Texas Department of
22 Criminal Justice to the managed health care unit of The University
23 of Texas Medical Branch or the Texas Tech University Health
24 Sciences Center pursuant to Section 9.01, Chapter 238, Acts of the
25 73rd Legislature, 1993, elects at the time of transfer to retain
26 membership in the retirement system, and is certified by the
27 managed health care unit or the health sciences center as having a

1 normal job assignment described by this subdivision. The term
2 includes a person who received a step increase in pay under the
3 General Appropriations Act as an employee of the Texas Department
4 of Mental Health and Mental Retardation at the maximum security
5 unit of Rusk State Hospital before July 1, 1988, and who, on
6 September 1, 2003, is employed as a custodial officer by the Texas
7 Department of Criminal Justice and is not a retiree.

8 SECTION 3. Section 813.506(b), Government Code, is amended
9 to read as follows:

10 (b) Except as provided by Section 813.5061, to [~~Te~~] be
11 creditable as custodial officer service, service performed must be
12 performed as a parole officer or caseworker or must meet the
13 requirements of the rules adopted under Subsection (a) and be
14 performed by persons in one of the following job categories:

15 (1) all persons classified as Correctional Officer I
16 through warden, including training officers and special operations
17 reaction team officers;

18 (2) all other employees assigned to work on a unit and
19 whose jobs require routine contact with inmates or defendants
20 confined in the state jail division, including but not limited to
21 farm managers, livestock supervisors, maintenance foremen, shop
22 foremen, medical assistants, food service supervisors, stewards,
23 education consultants, commodity specialists, and correctional
24 counselors;

25 (3) employees assigned to administrative offices
26 whose jobs require routine contact with inmates or defendants
27 confined in the state jail division at least 50 percent of the time,

1 including but not limited to investigators, compliance monitors,
2 accountants routinely required to audit unit operations,
3 sociologists, interviewers, classification officers, and
4 supervising counselors; and

5 (4) administrative positions whose jobs require
6 response to emergency situations involving inmates or defendants
7 confined in the state jail division, including but except as
8 specified not limited to the director, deputy directors, assistant
9 directors, and not more than 25 administrative duty officers.

10 SECTION 4. Subchapter F, Chapter 813, Government Code, is
11 amended by adding Section 813.5061 to read as follows:

12 Sec. 813.5061. CUSTODIAL OFFICER SERVICE CREDIT FOR CERTAIN
13 EMPLOYEES. A custodial officer entitled to additional months of
14 lifetime service credit under Section 659.3071 is entitled to
15 include those same months as months of creditable custodial officer
16 service under Section 813.506.

17 SECTION 5. The Texas Department of Criminal Justice shall
18 adopt not later than January 1, 2004, any rules that are necessary
19 to implement the changes required by Sections 659.3071 and
20 813.5061, Government Code, as added by this Act.

21 SECTION 6. This Act takes effect September 1, 2003.