

AN ACT

relating to certain benefits provided to the survivors of public employees and chaplains killed in the line of duty.

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 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;

(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 pardons and paroles division of 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;

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

(6) a member of the class of employees of the

1 institutional division or the state jail division of the Texas  
2 Department of Criminal Justice formally designated as custodial  
3 personnel under Section 615.006 by the Texas Board of Criminal  
4 Justice or its predecessor in function;

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

7 (A) performs a security, custodial, or  
8 supervisory function over the admittance, confinement, or  
9 discharge of prisoners; and

10 (B) is certified by the Commission on Law  
11 Enforcement Officer Standards and Education;

12 (8) a juvenile correctional employee of the Texas  
13 Youth Commission;

14 (9) an employee of the Texas Department of Mental  
15 Health and Mental Retardation who:

16 (A) works at the department's maximum security  
17 unit; or

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

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

23 (11) an individual employed by the state or a  
24 political or legal subdivision whose principal duties are aircraft  
25 crash and rescue fire fighting;

26 (12) a member of an organized volunteer fire-fighting  
27 unit that:

1 (A) renders fire-fighting services without  
2 remuneration;

3 (B) consists of not fewer than 20 active members,  
4 a majority of whom are present at each meeting; and

5 (C) conducts a minimum of two drills each month,  
6 each two hours long; [~~or~~]

7 (13) an individual who:

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

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

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

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

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

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

23 (C) the Texas Department of Criminal Justice.

24 SECTION 2. Section 615.021, Government Code, is amended by  
25 amending Subsections (a) and (c) and adding Subsections (d) and (e)  
26 to read as follows:

27 (a) A survivor of an individual listed under Section 615.003

1 is eligible for the payment of assistance under this chapter if:

2 (1) the listed individual died as a result of a  
3 personal injury sustained in the line of duty [~~in the course of the~~  
4 ~~individual's duty performed~~] in the individual's position as  
5 described by Section 615.003 [~~as a result of exposure to a risk,~~

6 [~~(A) that is inherent in the duty, or~~

7 [~~(B) to which the general public is not~~  
8 ~~customarily exposed~~]; and

9 (2) the survivor is:

10 (A) the surviving spouse of the listed  
11 individual;

12 (B) a surviving child of the listed individual,  
13 if there is no surviving spouse; or

14 (C) a surviving parent of the listed individual,  
15 if there is no surviving spouse or child.

16 (c) An individual employed by the state or a political or  
17 legal subdivision who is subject to certification by the Texas  
18 Commission on Fire Protection or whose principal duties are  
19 aircraft crash and rescue fire fighting is considered to have died  
20 as a result of a personal injury sustained in the line of [~~in the~~  
21 ~~course of performing the individual's~~] duty in the individual's  
22 position as described by Section 615.003 [~~as a result of exposure to~~  
23 ~~a risk that is inherent in the duty or to which the general public is~~  
24 ~~not customarily exposed~~] if the individual died while actually  
25 performing an activity that the individual was certified to perform  
26 by the Texas Commission on Fire Protection, without regard to  
27 whether the individual was actually performing the activity during

1 the individual's compensable hours at work.

2 (d) In a determination of whether the survivor of an  
3 individual listed under Section 615.003 is eligible for the payment  
4 of assistance under this chapter, any reasonable doubt arising from  
5 the circumstances of the individual's death shall be resolved in  
6 favor of the payment of assistance to the survivor.

7 (e) In this section:

8 (1) "Personal injury" means an injury resulting from  
9 an external force, an activity, or a disease caused by or resulting  
10 from:

11 (A) a line-of-duty accident; or

12 (B) an illness caused by line-of-duty work under  
13 hazardous conditions.

14 (2) "Line of duty" means an action an individual  
15 listed under Section 615.003 is required or authorized by rule,  
16 condition of employment, or law to perform. The term includes an  
17 action by the individual at a social, ceremonial, athletic, or  
18 other function to which the individual is assigned by the  
19 individual's employer.

20 SECTION 3. Section 615.072, Government Code, is amended to  
21 read as follows:

22 Sec. 615.072. ELIGIBLE SURVIVORS. (a) A survivor of an  
23 individual listed under Section 615.071 is eligible for the health  
24 insurance benefits provided under this subchapter if:

25 (1) the listed individual died as a result of a  
26 personal injury sustained in the line of duty [~~in the course of the~~  
27 ~~individual's duty performed~~] in the individual's position as

1 described by Section 615.071 [~~as a result of exposure to a risk:~~

2 [~~(A) that is inherent in the duty; or~~

3 [~~(B) to which the general public is not~~  
4 ~~customarily exposed]; and~~

5 (2) the survivor is:

6 (A) the surviving spouse of the listed  
7 individual; or

8 (B) a dependent of the listed individual.

9 (b) In a determination of whether the survivor of an  
10 individual listed under Section 615.071 is eligible for the payment  
11 of assistance under this subchapter, any reasonable doubt arising  
12 from the circumstances of the individual's death shall be resolved  
13 in favor of the payment of assistance to the survivor.

14 (c) In this section:

15 (1) "Personal injury" means an injury resulting from  
16 an external force, an activity, or a disease caused by or resulting  
17 from:

18 (A) a line-of-duty accident; or

19 (B) an illness caused by line-of-duty work under  
20 hazardous conditions.

21 (2) "Line of duty" means an action an individual  
22 listed under Section 615.071 is required or authorized by rule,  
23 condition of employment, or law to perform. The term includes an  
24 action by the individual at a social, ceremonial, athletic, or  
25 other function to which the individual is assigned by the  
26 individual's employer.

27 SECTION 4. Subsection (b), Section 615.105, Government

1 Code, is amended to read as follows:

2 (b) On the death of an individual listed in Subsection (a),  
3 regardless of whether the individual died as a result of a personal  
4 injury sustained in the line [~~in the course~~] of duty as a peace  
5 officer, the individual's next of kin may receive on request a state  
6 flag from the Commission on Law Enforcement Officer Standards and  
7 Education.

8 SECTION 5. Section 615.121, Government Code, is amended by  
9 adding Subsection (f) to read as follows:

10 (f) In this section, "line of duty" has the meaning assigned  
11 by Section 615.021.

12 SECTION 6. Section 811.001, Government Code, is amended by  
13 amending Subdivision (12) and adding Subdivision (12-a) to read as  
14 follows:

15 (12) "Occupational [~~death or~~] disability" means  
16 [~~death or~~] disability from an injury or disease that directly  
17 results from a specific act or occurrence determinable by a  
18 definite time and place, and directly results from a risk or a  
19 hazard peculiar to and inherent in a duty that arises from and in  
20 the course of state employment.

21 (12-a) "Occupational death" means death from an injury  
22 resulting from an external force, an activity, or a disease caused  
23 by or resulting from a line-of-duty accident or from an illness  
24 caused by line-of-duty work under hazardous conditions. The term  
25 includes death from accidents or illnesses that directly result  
26 from an action a person is required or authorized by rule, condition  
27 of employment, or law to perform, including an action performed by

1 the person at a social, ceremonial, athletic, or other function to  
2 which the person is assigned by the person's employer.

3 SECTION 7. (a) The change in law made by this Act to  
4 Section 615.003, Government Code, relating to the death of certain  
5 chaplains applies only in relation to a death that occurs on or  
6 after the effective date of this Act. Matters regarding  
7 eligibility, payment, and benefits under Chapter 615, Government  
8 Code, in relation to a death that occurs before the effective date  
9 of this Act are governed by the law in effect when the death occurs,  
10 and the former law is continued in effect for that purpose.

11 (b) The changes in law made by this Act to Sections 615.021,  
12 615.072, 615.105, 615.121, and 811.001, Government Code, relating  
13 to the death of certain public servants apply only in relation to a  
14 death that occurs on or after the effective date of this Act.  
15 Matters regarding eligibility, payment, and benefits under  
16 Sections 615.021, 615.072, 615.105, 615.121, and 811.001,  
17 Government Code, in relation to a death that occurs before the  
18 effective date of this Act are governed by the law in effect when  
19 the death occurs, and the former law is continued in effect for that  
20 purpose.

21 SECTION 8. This Act takes effect September 1, 2003.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 482 passed the Senate on March 27, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 31, 2003, by a viva-voce vote.

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Secretary of the Senate

I hereby certify that S.B. No. 482 passed the House, with amendments, on May 24, 2003, by a non-record vote.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor