

By: Barrientos

S.B. No. 848

A BILL TO BE ENTITLED

AN ACT

relating to the benefits provided to certain firefighters and peace officers or their eligible survivors as a result of a disability or death from certain causes.

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

SECTION 1. Chapter 614, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. BENEFITS FOR FIREFIGHTERS, PEACE OFFICERS, AND ELIGIBLE SURVIVORS

Sec. 614.151. DEFINITIONS. In this section:

(1) "Firefighter" means a member of a fire department of this state or a political subdivision of this state who performs a function listed in Section 143.003(4), Local Government Code, without regard to whether the individual is subject to a civil service system or program.

(2) "Peace officer" means an individual elected, appointed, or employed to serve as a peace officer for this state or a political subdivision of this state under Article 2.12, Code of Criminal Procedure, or other law.

Sec. 614.152. BENEFITS FOR HYPERTENSION OR HEART DISEASE.

(a) This section applies to a firefighter or peace officer who:

(1) is employed full-time by this state or a political subdivision of this state;

(2) has at least 10 years of service as a firefighter

1 or peace officer with this state or a political subdivision of this  
2 state; and

3 (3) becomes disabled or dies as a result of  
4 hypertension or heart disease.

5 (b) Regardless of any other law, the firefighter or peace  
6 officer is presumed to have contracted the hypertension or heart  
7 disease in the line of duty if the firefighter or peace officer:

8 (1) passed a physical examination before the  
9 disability or death on entering or during employment with this  
10 state or a political subdivision of this state; and

11 (2) the examination failed to reveal any evidence of  
12 hypertension or heart disease for which a claim is made under this  
13 section.

14 (c) A person to whom the presumption applies or a survivor  
15 of the person meets any eligibility requirement for benefits that  
16 requires the person's death or disability to have been in the line  
17 of duty.

18 Sec. 614.153. APPLICABILITY OF OTHER LAW. Another statutory  
19 presumption regarding the cause of illness or condition that  
20 resulted in the death or disability suffered by the firefighter or  
21 peace officer does not affect any benefit payable under Section  
22 614.152.

23 Sec. 614.154. REBUTTABLE PRESUMPTION. A presumption under  
24 Section 614.152 may be rebutted only by clear and convincing  
25 evidence.

26 SECTION 2. Subchapter H, Chapter 614, Government Code, as  
27 added by this Act, applies only to benefits payable to a

1 firefighter, peace officer, or eligible survivor as a result of a  
2 firefighter's or peace officer's death or disability from  
3 hypertension or heart disease on or after the effective date of this  
4 Act.

5 SECTION 3. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2003.