

AN ACT

relating to injury leave and related benefits for certain state peace officers injured in the course of performance of duty.

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

SECTION 1. This Act may be cited as the Peace Officer Protection Act.

SECTION 2. Subchapter Z, Chapter 661, Government Code, is amended by adding Section 661.918 to read as follows:

Sec. 661.918. INJURY LEAVE FOR CERTAIN PEACE OFFICERS. (a) This section applies to a peace officer under Article 2.12, Code of Criminal Procedure, who is commissioned as a law enforcement officer or agent, including a ranger, by:

(1) the Public Safety Commission and the director of the Department of Public Safety;

(2) the Parks and Wildlife Commission; or

(3) the Texas Alcoholic Beverage Commission.

(b) A peace officer to whom this section applies is entitled to injury leave, without a deduction in salary, without being required to use compensatory time off accrued under Chapter 659, and without being required to use any other type of leave allowable under this chapter, for an injury resulting from an assaultive offense under Chapter 22, Penal Code, to which the person is exposed because of the nature of the person's duties and that occurs during the course of the person's performance of duty. For the purposes of

1 this section, the course of performance of a person's duty does not
2 include transportation to or from the person's designated
3 headquarters or the site of an assignment.

4 (c) To be eligible for injury leave under this section, a
5 person must submit to the person's employer evidence of a medical
6 examination and a recommendation for a specific period of leave
7 from a physician licensed to practice in this state.

8 (d) The maximum amount of leave available under this section
9 for all injuries occurring at one time is one year.

10 (e) A person may simultaneously be on injury leave under
11 this section and receive workers' compensation medical benefits
12 under Title 5, Labor Code, but is not eligible for disability
13 retirement benefits under Chapter 814 during the leave period. A
14 person is entitled to workers' compensation indemnity benefits
15 which accrue pursuant to Title 5, Labor Code, after the
16 discontinuation or exhaustion of injury leave under this section.

17 SECTION 3. Section 661.918, Government Code, as added by
18 this Act, applies only to an injury resulting from an assaultive
19 offense that occurs on or after December 1, 2004.

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2005.

H.B. No. 1428

President of the Senate

Speaker of the House

I certify that H.B. No. 1428 was passed by the House on March 31, 2005, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1428 was passed by the Senate on May 23, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor