

By: Chavez

H.B. No. 2825

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the provision of state death benefits to certain  
3 federal law enforcement officers and special agents who assist  
4 state and local law enforcement agencies in this state.

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

6 SECTION 1. Section 615.003, Government Code, is amended to  
7 read as follows:

8 Sec. 615.003. APPLICABILITY. This chapter applies only to  
9 eligible survivors of the following individuals:

10 (1) an individual elected, appointed, or employed as a  
11 peace officer by the state or a political subdivision of the state  
12 under Article 2.12, Code of Criminal Procedure, or other law;

13 (2) a paid probation officer appointed by the director  
14 of a community supervision and corrections department who has the  
15 duties set out in Section 76.002 and the qualifications set out in  
16 Section 76.005, or who was appointed in accordance with prior law;

17 (3) a parole officer employed by the pardons and  
18 paroles division of the Texas Department of Criminal Justice who  
19 has the duties set out in Section 508.001 and the qualifications set  
20 out in Section 508.113 or in prior law;

21 (4) a paid jailer;

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

1           (6) a member of the class of employees of the  
2 institutional division or the state jail division of the Texas  
3 Department of Criminal Justice formally designated as custodial  
4 personnel under Section 615.006 by the Texas Board of Criminal  
5 Justice or its predecessor in function;

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

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

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

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

15           (9) an employee of the [~~Texas~~] Department of State  
16 Health Services or the Department of Aging and Disability Services  
17 [~~Mental Health and Mental Retardation~~] who:

18                   (A) works at the Department of State Health  
19 Services' [~~department's~~] maximum security unit; or

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

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

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

1           (12) a member of an organized volunteer fire-fighting  
2 unit that:

3                   (A) renders fire-fighting services without  
4 remuneration; and

5                   (B) conducts a minimum of two drills each month,  
6 each two hours long;

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; or

24           (15) a federal law enforcement officer or special  
25 agent, including a special investigator under Article 2.122, Code  
26 of Criminal Procedure, who is performing duties in this state to  
27 assist a state or local law enforcement agency of this state.

1           SECTION 2. The change in law made by this Act relating to  
2 the death of certain federal law enforcement officers or special  
3 agents applies only in relation to a death that occurs on or after  
4 the effective date of this Act. Matters regarding eligibility,  
5 payment, and benefits under Chapter 615, Government Code, in  
6 relation to a death that occurs before the effective date of this  
7 Act are governed by the law in effect when the death occurs, and the  
8 former law is continued in effect for that purpose.

9           SECTION 3. This Act takes effect September 1, 2005.