

BILL ANALYSIS

C.S.H.B. 1490
By: Driver
Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Intoxication assault is the only assaultive offense for which a law enforcement officer is not entitled to injury leave. Current law does not allow officers injured in the line of duty by intoxication assault to receive injury leave and other related benefits. The following recent case demonstrates the seriousness of the problem: On November 1, 2007, Texas Alcoholic Beverage Commission Agent Cathleen Cavazos and her partner were stopped at a red light when they were hit by a drunk driver who was traveling over 80 miles per hour. The man driving the car killed the passenger, his common-law wife who was three months pregnant with their child, and caused injuries to Agent Cavazos' head, shoulders, and back. After months of severe pain, she discovered that she had a bulging disc in her lower back. A few months later, she underwent shoulder surgery and could not return to duty until a full year after the accident. She opted not to file for workers' compensation because it would have caused a 70 percent reduction in her pay, and instead, she used over 100 hours of sick leave. The man who hit the agents was convicted of manslaughter and aggravated assault with a deadly weapon but this conviction did nothing to assist Agent Cavazos with her injury leave.

C.S.H.B. 1490 entitles a peace officer to injury leave, without a deduction in salary and without being required to use compensatory or other leave, for an injury sustained due to the nature of a law enforcement officer's duties and that occurs during the course of the officer's performance of duty. The bill provides that an officer is not entitled to injury leave if the officer's own gross negligence contributed to the officer's injury or the injury was related to the performance of routine office duties.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1490 amends the Government Code to entitle a peace officer to injury leave without a deduction in salary and without being required to use any type of leave allowable under law regarding state employee leave for an injury sustained due to the nature of the officer's duties, rather than for an injury resulting from an assaultive offense to which the officer is exposed because of the nature of the person's duties, and that occurs during the course of the officer's performance of duty. The bill excludes an officer from this entitlement if the officer's own gross negligence contributed to the officer's injury or the injury was related to the performance of routine office duties. The bill removes a provision excluding transportation to or from the officer's designated headquarters or the site of an assignment from the course of performance of an officer's duty for purposes of the entitlement.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1490 differs from the original by entitling a peace officer to injury leave without deduction in salary or without being required to use any type of leave allowable under law regarding state employee leave for an injury sustained due to the nature of the officer's duties and occurring during the course of the performance of duty, rather than for an injury resulting from an assaultive offense or from intoxication assault to which the person is exposed because of the nature of the person's duties and occurring during the course of the performance of duty as in the original. The substitute adds a provision not in the original excluding an officer from the entitlement if the officer's own gross negligence contributed to the officer's injury or the injury was related to the performance of routine office duties. The substitute strikes a provision of current law included in the original excluding transportation to or from headquarters or the site of an assignment from the course of performance of a person's duties.