

BILL ANALYSIS

H.B. 1960
By: Maldonado
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires a police officer or fire fighter to be paid for any required court appearance during off duty hours. However, the law does not require these employees to be paid for required appearances at administrative proceedings. Public safety employees routinely are required to attend proceedings that are not related to a criminal or civil suit. For example, a police officer might be required to appear at a hearing appealing the decision of the officer to tow a vehicle. Other proceedings include hearings to suspend a driver's license or issue of a permit such as an alcoholic beverage permit.

H.B. 1960 adds administrative proceedings to the appearances during off hours for which municipal public safety employees are entitled to be paid. In addition, the bill creates a new section that requires peace officers employed by a county to be paid for required appearances during their off duty hours. Payment in any of these cases would be at the employee's regular rate of pay.

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

H.B. 1960 amends the Local Government Code to require a county to pay a peace officer employed by the county for an appearance as a witness in a criminal suit, a civil suit, or an administrative proceeding in which the county or other political subdivision or government agency is a party in interest if the appearance is required, is made on time off, and is made by the peace officer in the capacity of a peace officer. The bill specifies that the payment is at the peace officer's regular rate of pay and that the payment may be taxed as court costs in civil suits. The bill provides that its provisions do not reduce or prohibit compensation paid in excess of the regular rate of pay.

H.B. 1960 adds an administrative proceeding to provisions similar to those described above that requires a municipality to pay a firefighter or police officer for appearances in court.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.