

BILL ANALYSIS

C.S.S.B. 687
By: Hegar
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.S.B. 687 entitles certain peace officers 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 the officer's duties and that occurs during the course of the officer's performance of duty, unless the officer's own gross negligence contributed to the officer's injury or the injury was related to the performance of routine officer 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.S.B. 687 amends the Government Code to entitle a peace officer who is commissioned as law enforcement officer or agent, including a ranger, by the Public Safety Commission, the Department of Public Safety, the Texas Parks and Wildlife Commission, or the Texas Alcoholic Beverage Commission to injury leave without 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 and that occurs during the course of the officer's performance of duty, rather than an injury resulting from an assaultive offense under state law to which the person is exposed because of the nature of the officer's duties and that occurs during the course of the officer's performance of duty. The bill creates an exception to 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 from the course of performance of a person's duty transportation to or from the person's designated headquarters or the site of an assignment. The bill makes its provisions applicable only to an injury that occurs on or after January 1, 2009.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 687 differs from the original by expanding the types of injuries, the sustaining of which entitles a peace officer to injury leave, to include any injury sustained due to the nature of the officer's duties, whereas the original includes an injury resulting from intoxication assault or an assaultive offense to which a peace officer is exposed due to the nature of the officer's duties. The substitute adds a provision not in the original creating an exception to the injury leave 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 differs from the original by making a conforming change in the applicability provision.