

By: Maldonado

H.B. No. 1960

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the payment for an appearance as a witness for certain  
3 peace officers and firefighters.

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

5 SECTION 1. The heading to Section 142.009, Local Government  
6 Code, is amended to read as follows:

7 Sec. 142.009. PAYMENT FOR [~~COURT~~] APPEARANCES OF FIRE  
8 FIGHTERS AND POLICE OFFICERS IN COURT OR ADMINISTRATIVE  
9 PROCEEDINGS.

10 SECTION 2. Section 142.009(a), Local Government Code, is  
11 amended to read as follows:

12 (a) A municipality shall pay a fire fighter or police  
13 officer for an appearance as a witness in a criminal suit, ~~or~~ a  
14 civil suit, or an administrative proceeding in which the  
15 municipality or other political subdivision or government agency is  
16 a party in interest if the appearance:

17 (1) is required;

18 (2) is made on time off; and

19 (3) is made by the fire fighter or police officer in  
20 the capacity of a fire fighter or police officer.

21 SECTION 3. Subchapter Z, Chapter 157, Local Government  
22 Code, is amended by adding Section 157.906 to read as follows:

23 Sec. 157.906. PAYMENT FOR APPEARANCES OF PEACE OFFICERS  
24 EMPLOYED BY COUNTY IN COURT OR ADMINISTRATIVE PROCEEDINGS. (a) A

1 county shall pay a peace officer employed by the county for an  
2 appearance as a witness in a criminal suit, a civil suit, or an  
3 administrative proceeding in which the county or other political  
4 subdivision or government agency is a party in interest if the  
5 appearance:

6           (1) is required;

7           (2) is made on time off; and

8           (3) is made by the peace officer in the capacity of a  
9 peace officer.

10           (b) Payment under this section is at the peace officer's  
11 regular rate of pay.

12           (c) Payment under this section may be taxed as court costs  
13 in civil suits.

14           (d) This section does not reduce or prohibit compensation  
15 paid in excess of the regular rate of pay.

16           SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2009.