

By: Olivo

H.B. No. 2120

A BILL TO BE ENTITLED

1 AN ACT
2 relating to eligibility for custodial officer service in the
3 Employees Retirement System of Texas by certain juvenile
4 correctional officers and caseworkers employed by the Texas Youth
5 Commission.

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

7 SECTION 1. Section 811.001(8), Government Code, is amended
8 to read as follows:

9 (8) "Custodial officer" means a member of the
10 retirement system who is employed by the Board of Pardons and
11 Paroles or the Texas Department of Criminal Justice as a parole
12 officer or caseworker, who is employed by the Texas Youth
13 Commission as a juvenile correctional officer or caseworker, or who
14 is employed by the correctional institutions [~~institutional~~]
15 division [~~or the state jail division~~] of the Texas Department of
16 Criminal Justice and certified by the department as having a normal
17 job assignment that requires frequent or infrequent regularly
18 planned contact with, and in close proximity to, inmates or
19 defendants of the correctional institutions [~~institutional~~]
20 division [~~or inmates or defendants confined in the state jail~~
21 ~~division~~] without the protection of bars, doors, security screens,
22 or similar devices and includes assignments normally involving
23 supervision or the potential for supervision of inmates in inmate
24 housing areas, educational or recreational facilities, industrial

1 shops, kitchens, laundries, medical areas, agricultural shops or
2 fields, or in other areas on or away from property of the department
3 [~~institutional division or the state jail division~~]. The term
4 includes a member who transfers from the Texas Department of
5 Criminal Justice to the managed health care unit of The University
6 of Texas Medical Branch or the Texas Tech University Health
7 Sciences Center pursuant to Section 9.01, Chapter 238, Acts of the
8 73rd Legislature, 1993, elects at the time of transfer to retain
9 membership in the retirement system, and is certified by the
10 managed health care unit or the health sciences center as having a
11 normal job assignment described by this subdivision.

12 SECTION 2. Sections 813.506(b) and (c), Government Code,
13 are amended to read as follows:

14 (b) To be creditable as custodial officer service, service
15 performed must be performed as a parole officer, [or] caseworker,
16 or juvenile correctional officer, or must meet the requirements of
17 the rules adopted under Subsection (a) and be performed by persons
18 in one of the following job categories:

19 (1) all persons classified as Correctional Officer I
20 through warden, including training officers and special operations
21 reaction team officers;

22 (2) all other employees assigned to work on a unit and
23 whose jobs require routine contact with inmates or defendants
24 [~~confined in the state jail division~~], including but not limited to
25 farm managers, livestock supervisors, maintenance foremen, shop
26 foremen, medical assistants, food service supervisors, stewards,
27 education consultants, commodity specialists, and correctional

1 counselors;

2 (3) employees assigned to administrative offices
3 whose jobs require routine contact with inmates or defendants
4 [~~confined in the state jail division~~] at least 50 percent of the
5 time, including but not limited to investigators, compliance
6 monitors, accountants routinely required to audit unit operations,
7 sociologists, interviewers, classification officers, and
8 supervising counselors; and

9 (4) administrative positions whose jobs require
10 response to emergency situations involving inmates or defendants
11 [~~confined in the state jail division~~], including but except as
12 specified not limited to the director, deputy directors, assistant
13 directors, and not more than 25 administrative duty officers.

14 (c) The Texas Department of Criminal Justice, the managed
15 health care unit of The University of Texas Medical Branch or the
16 Texas Tech University Health Sciences Center, the Texas Youth
17 Commission, or the Board of Pardons and Paroles, as applicable,
18 shall determine a person's eligibility to receive credit as a
19 custodial officer. A determination of the department, unit, or
20 board may not be appealed by an employee but is subject to change by
21 the retirement system.

22 SECTION 3. Section 815.505, Government Code, is amended to
23 read as follows:

24 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
25 CUSTODIAL OFFICERS. Not later than the 12th day of the month
26 following the month in which a person begins or ceases employment as
27 a law enforcement officer or custodial officer, the Public Safety

1 Commission, the Texas Alcoholic Beverage Commission, the Parks and
2 Wildlife Commission, the office of inspector general at the Texas
3 Youth Commission, the Texas Youth Commission, the Board of Pardons
4 and Paroles, or the Texas Board of Criminal Justice, as applicable,
5 shall certify to the retirement system, in the manner prescribed by
6 the system, the name of the employee and such other information as
7 the system determines is necessary for the crediting of service and
8 financing of benefits under this subtitle.

9 SECTION 4. The changes in law made by this Act apply only to
10 service that is performed and certified as custodial officer
11 service on or after the effective date of this Act.

12 SECTION 5. This Act takes effect September 1, 2009.