

BILL ANALYSIS

Senate Research Center
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H.B. 1016
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a municipality or special purpose district is required to provide free legal counsel to a peace officer employed by the entity if the peace officer is sued for an action that occurred in the scope of the officer's official duties. However, interested parties report that such a requirement does not apply to a peace officer who is employed by an independent school district. If a civil suit is filed against such an officer for actions that occurred while on duty, the officer may have to cover the cost of defending the suit.

H.B. 1016 seeks to grant peace officers hired by school districts the same right to legal counsel that is currently provided to officers employed by a municipality or special purpose district.

H.B. 1016 amends current law relating to legal representation for civil suits against peace officers employed by a school district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 180.002(b), (c), and (d), Local Government Code, as follows:

(b) Requires a municipality or a school district or other special purpose district to provide a municipal or district employee who is a peace officer, fire fighter, or emergency medical services employee with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity under certain conditions.

(c) Authorizes the municipality or district, rather than special purpose district, to defend the employee against the suit, to provide counsel already employed by it or to employ private counsel.

(d) Authorizes an employee to recover from a municipality or district that fails to provide counsel as required by Subsection (b) the reasonable attorney's fees incurred in defending the suit if certain conditions are met, rather than authorizing the employee to recover from the municipality or special purpose district the reasonable attorney's fees incurred in defending the suit if certain conditions are met and if the municipality or special purpose district fails to provide counsel as required by Subsection (b).

SECTION 2. Effective date: upon passage or September 1, 2013.