

BILL ANALYSIS

H.B. 1016
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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, among other employees, the same right to free counsel that is currently provided to officers employed by a municipality or special purpose district.

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. 1016 amends the Local Government Code to include a school district among the entities required to provide an entity 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 if legal counsel is requested by the employee and the suit involves an official act of the employee within the scope of the employee's authority.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.