

By: Martinez

H.B. No. 364

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of state death benefits to certain
3 employees of the Department of Public Safety of the State of Texas.

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

5 SECTION 1. Section 615.003, Government Code, is amended to
6 read as follows:

7 Sec. 615.003. APPLICABILITY. This chapter applies only to
8 eligible survivors of the following individuals:

9 (1) an individual elected, appointed, or employed as a
10 peace officer by the state or a political subdivision of the state
11 under Article 2.12, Code of Criminal Procedure, or other law;

12 (2) a paid probation officer appointed by the director
13 of a community supervision and corrections department who has the
14 duties set out in Section 76.002 and the qualifications set out in
15 Section 76.005, or who was appointed in accordance with prior law;

16 (3) a parole officer employed by the Texas Department
17 of Criminal Justice who has the duties set out in Section 508.001
18 and the qualifications set out in Section 508.113 or in prior law;

19 (4) a paid jailer;

20 (5) a member of an organized police reserve or
21 auxiliary unit who regularly assists peace officers in enforcing
22 criminal laws;

23 (6) a member of the class of employees of the
24 correctional institutions division formally designated as

1 custodial personnel under Section 615.006 by the Texas Board of
2 Criminal Justice or its predecessor in function;

3 (7) a jailer or guard of a county jail who is appointed
4 by the sheriff and who:

5 (A) performs a security, custodial, or
6 supervisory function over the admittance, confinement, or
7 discharge of prisoners; and

8 (B) is certified by the Commission on Law
9 Enforcement Officer Standards and Education;

10 (8) a juvenile correctional employee of the Texas
11 Youth Commission;

12 (9) an employee of the Department of Aging and
13 Disability Services or Department of State Health Services who:

14 (A) works at the department's maximum security
15 unit; or

16 (B) performs on-site services for the Texas
17 Department of Criminal Justice;

18 (10) an individual who is employed by the state or a
19 political or legal subdivision and is subject to certification by
20 the Texas Commission on Fire Protection;

21 (11) an individual employed by the state or a
22 political or legal subdivision whose principal duties are aircraft
23 crash and rescue fire fighting;

24 (12) a member of an organized volunteer fire-fighting
25 unit that:

26 (A) renders fire-fighting services without
27 remuneration; and

1 (B) conducts a minimum of two drills each month,
2 each two hours long;

3 (13) an individual who:

4 (A) performs emergency medical services or
5 operates an ambulance;

6 (B) is employed by a political subdivision of the
7 state or is an emergency medical services volunteer as defined by
8 Section 773.003, Health and Safety Code; and

9 (C) is qualified as an emergency care attendant
10 or at a higher level of training under Section 773.046, 773.047,
11 773.048, 773.049, or 773.0495, Health and Safety Code;

12 (14) an individual who is employed or formally
13 designated as a chaplain for:

14 (A) an organized volunteer fire-fighting unit or
15 other fire department of this state or of a political subdivision of
16 this state;

17 (B) a law enforcement agency of this state or of a
18 political subdivision of this state; or

19 (C) the Texas Department of Criminal Justice;
20 [~~or~~]

21 (15) an individual who is employed by the state or a
22 political subdivision of the state and who is considered by the
23 governmental employer to be a trainee for a position otherwise
24 described by this section; or

25 (16) an individual who is employed by the Department
26 of Public Safety whose principal duties, as determined by the
27 director, directly support a law enforcement function of this

1 state.

2 SECTION 2. The change in law made by this Act relating to
3 the death of certain employees of the Department of Public Safety of
4 the State of Texas applies only in relation to a death that occurs
5 on or after the effective date of this Act. Matters regarding
6 eligibility, payment, and benefits under Chapter 615, Government
7 Code, in relation to a death that occurs before the effective date
8 of this Act are governed by the law in effect when the death occurs,
9 and the former law is continued in effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2013.