

By: S. Davis of Harris

H.B. No. 1016

A BILL TO BE ENTITLED

AN ACT

relating to legal representation for civil suits against peace officers employed by a school district.

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

SECTION 1. Sections 180.002(b), (c), and (d), Local Government Code, are amended to read as follows:

(b) A municipality or a school district or other special purpose district shall 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 if:

(1) legal counsel is requested by the employee; and

(2) the suit involves an official act of the employee within the scope of the employee's authority.

(c) To defend the employee against the suit, the municipality or ~~[special purpose]~~ district may provide counsel already employed by it or may employ private counsel.

(d) An employee may recover from a ~~[If the]~~ municipality or ~~[special purpose]~~ district that fails to provide counsel as required by Subsection (b) ~~[, the employee may recover from it]~~ the reasonable attorney's fees incurred in defending the suit if the trier of fact finds:

(1) that the fees were incurred in defending a suit

1 covered by Subsection (b); and

2 (2) that the employee is without fault or that the  
3 employee acted with a reasonable good faith belief that the  
4 employee's actions were proper.

5 SECTION 2. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2013.