

By: S. Davis of Harris

H.B. No. 1016

A BILL TO BE ENTITLED

AN ACT

1
2 relating to legal representation for civil suits against peace
3 officers employed by a school district.

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

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

7 (b) A municipality or a school district or other special
8 purpose district shall provide a municipal or district employee who
9 is a peace officer, fire fighter, or emergency medical services
10 employee with legal counsel without cost to the employee to defend
11 the employee against a suit for damages by a party other than a
12 governmental entity if:

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

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

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

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

24 (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.