

1-1 By: S. Davis of Harris (Senate Sponsor - Williams) H.B. No. 1016
 1-2 (In the Senate - Received from the House April 15, 2013;
 1-3 April 18, 2013, read first time and referred to Committee on State
 1-4 Affairs; May 3, 2013, reported favorably by the following vote:
 1-5 Yeas 8, Nays 1; May 3, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to legal representation for civil suits against peace
 1-20 officers employed by a school district.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 180.002(b), (c), and (d), Local
 1-23 Government Code, are amended to read as follows:

1-24 (b) A municipality or a school district or other special
 1-25 purpose district shall provide a municipal or district employee who
 1-26 is a peace officer, fire fighter, or emergency medical services
 1-27 employee with legal counsel without cost to the employee to defend
 1-28 the employee against a suit for damages by a party other than a
 1-29 governmental entity if:

- 1-30 (1) legal counsel is requested by the employee; and
- 1-31 (2) the suit involves an official act of the employee
 1-32 within the scope of the employee's authority.

1-33 (c) To defend the employee against the suit, the
 1-34 municipality or ~~[special purpose]~~ district may provide counsel
 1-35 already employed by it or may employ private counsel.

1-36 (d) An employee may recover from a [if the] municipality or
 1-37 [special purpose] district that fails to provide counsel as
 1-38 required by Subsection (b) [the employee may recover from it] the
 1-39 reasonable attorney's fees incurred in defending the suit if the
 1-40 trier of fact finds:

- 1-41 (1) that the fees were incurred in defending a suit
 1-42 covered by Subsection (b); and
- 1-43 (2) that the employee is without fault or that the
 1-44 employee acted with a reasonable good faith belief that the
 1-45 employee's actions were proper.

1-46 SECTION 2. This Act takes effect immediately if it receives
 1-47 a vote of two-thirds of all the members elected to each house, as
 1-48 provided by Section 39, Article III, Texas Constitution. If this
 1-49 Act does not receive the vote necessary for immediate effect, this
 1-50 Act takes effect September 1, 2013.

1-51 * * * * *