

1-1 By: Gonzales (Senate Sponsor - Schwertner) H.B. No. 3805
 1-2 (In the Senate - Received from the House May 8, 2013;
 1-3 May 9, 2013, read first time and referred to Committee on Criminal
 1-4 Justice; May 17, 2013, reported favorably by the following vote:
 1-5 Yeas 6, Nays 1; May 17, 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 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the discharge of an officer or employee of the
 1-18 Department of Public Safety of the State of Texas.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 411.007, Government Code, is amended by
 1-21 amending Subsections (e) and (f) and adding Subsections (e-1),
 1-22 (e-2), and (g) to read as follows:

1-23 (e) An officer or employee of the department may not be
 1-24 discharged without just cause. The director shall determine
 1-25 whether an officer or employee is to be discharged. A commissioned
 1-26 ~~[An] officer [or employee]~~ ordered discharged may appeal to the
 1-27 commission, and during the appeal the officer ~~[or employee]~~ shall
 1-28 be suspended without pay.

1-29 (e-1) Except as provided by Subsection (g) ~~[(f)]~~, the
 1-30 department may not discharge, suspend, or demote a commissioned
 1-31 officer except for the violation of a specific commission rule. If
 1-32 the department discharges, suspends, or demotes the ~~[an]~~ officer,
 1-33 the department shall deliver to the officer a written statement
 1-34 giving the reasons for the action taken. The written statement must
 1-35 point out each commission rule alleged to have been violated by the
 1-36 officer and must describe the alleged acts of the officer that the
 1-37 department contends are in violation of the commission rules.

1-38 (e-2) ~~[(f)]~~ The commission shall establish necessary
 1-39 policies and procedures for the appointment, promotion, reduction,
 1-40 suspension, and discharge of all employees.

1-41 (f) A discharged commissioned officer ~~[or employee]~~ is
 1-42 entitled, on application to the commission, to a public hearing
 1-43 before the commission, who shall affirm or set aside the discharge.
 1-44 The commission shall affirm or set aside a discharge on the basis of
 1-45 the evidence presented. If the commission affirms the discharge,
 1-46 the discharged officer may seek judicial review, not later than the
 1-47 90th day after the date the commission affirms the discharge, in a
 1-48 district court under the substantial evidence standard of review,
 1-49 and the officer remains suspended without pay while the case is
 1-50 under judicial review.

1-51 (g) A noncommissioned employee inducted into the service of
 1-52 the department is on probation for the first one year of service,
 1-53 and an officer is on probation from the date the officer ~~[person]~~ is
 1-54 inducted into the service of the department until the anniversary
 1-55 of the date the officer ~~[person]~~ is commissioned. At any time
 1-56 during the probationary period, an officer or employee ~~[a person]~~
 1-57 may be discharged ~~[without the public hearing provided for by this~~
 1-58 ~~subsection]~~ if the director, with the advice and consent of the
 1-59 commission, finds the officer or employee ~~[person]~~ to be unsuitable
 1-60 for the work.

1-61 SECTION 2. Section 411.007, Government Code, as amended by

2-1 this Act, applies only to an officer or employee of the Department
2-2 of Public Safety of the State of Texas who is discharged on or after
2-3 the effective date of this Act. An officer or employee discharged
2-4 before that date is governed by the law in effect immediately before
2-5 the effective date of this Act, and that law is continued in effect
2-6 for that purpose.

2-7 SECTION 3. This Act takes effect September 1, 2013.

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