

By: Van de Putte

S.B. No. 1205

A BILL TO BE ENTITLED

AN ACT

relating to the employment of certain peace officers, detention officers, county jailers, or firefighters who are injured in the course and scope of duty.

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

SECTION 1. Chapter 614, Government Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. RESTRICTION ON DISCHARGE AFTER CERTAIN INJURIES

Sec. 614.201. DEFINITIONS. In this subchapter:

(1) "County jailer" has the meaning assigned by Section 1701.001, Occupations Code.

(2) "Detention officer" has the meaning assigned by Section 411.048(a).

(3) "Employer" means the governmental entity that employs or appoints a peace officer, detention officer, county jailer, or firefighter or that the officer, jailer, or firefighter is elected to serve.

(4) "Firefighter" means a member of a fire department who performs a function listed in Section 143.003(4), Local Government Code, without regard to whether the individual is subject to a civil service system or program.

(5) "Maximum medical improvement" has the meaning assigned by Section 401.011(30), Labor Code.

(6) "Peace officer" means an individual elected,

1 appointed, or employed to serve as a peace officer for a  
2 governmental entity under Article 2.12, Code of Criminal Procedure,  
3 or other law.

4 Sec. 614.202. RESTRICTION ON DISCHARGE. (a) This section  
5 applies to a peace officer, detention officer, county jailer, or  
6 firefighter who sustains a compensable injury under Title 5, Labor  
7 Code.

8 (b) An employer may not discharge, indefinitely suspend, or  
9 terminate from employment a peace officer, detention officer,  
10 county jailer, or firefighter described by Subsection (a) based on  
11 the person's inability to perform the duties for which the person  
12 was elected, appointed, or employed because of the person's injury  
13 before the person is certified as having reached maximum medical  
14 improvement.

15 Sec. 614.203. REMEDIES; BURDEN OF PROOF. (a) An employer  
16 who violates Section 614.202 is liable for reasonable damages  
17 incurred by the peace officer, detention officer, county jailer, or  
18 firefighter as a result of the violation.

19 (b) A peace officer, detention officer, county jailer, or  
20 firefighter discharged, indefinitely suspended, or terminated from  
21 employment in violation of Section 614.202 is entitled to  
22 reinstatement in the former position of employment.

23 (c) The burden of proof in a proceeding under this section  
24 is on the peace officer, detention officer, county jailer, or  
25 firefighter.

26 SECTION 2. This Act applies only to a discharge, indefinite  
27 suspension, or termination from employment in violation of Section

1 614.202, Government Code, as added by this Act, that occurs on or  
2 after the effective date of this Act. A discharge, indefinite  
3 suspension, or termination that occurs before the effective date of  
4 this Act is governed by the law in effect on the date the discharge,  
5 indefinite suspension, or termination occurred, and the former law  
6 is continued in effect for that purpose.

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