

By: Márquez

H.B. No. 3711

Substitute the following for H.B. No. 3711:

By: Anderson of Dallas

C.S.H.B. No. 3711

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the administration of oaths and issuance of subpoenas  
3 in certain county or sheriff department employee grievance  
4 proceedings; creating a criminal offense.

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

6 SECTION 1. Subchapter A, Chapter 174, Local Government  
7 Code, is amended by adding Section 174.009 to read as follows:

8 Sec. 174.009. OATHS AND SUBPOENAS IN GRIEVANCE PROCEEDINGS.

9 (a) An arbitrator or hearing officer authorized to hear a grievance  
10 proceeding under a collective bargaining agreement has the  
11 authority to administer oaths and issue subpoenas in the manner and  
12 to the extent authorized for an arbitration board under Section  
13 174.157, except that:

14 (1) a request for a subpoena under this subsection  
15 must be made not later than the 10th day before the date the  
16 proceeding will be held, except for good cause shown; and

17 (2) the following are not subject to a subpoena under  
18 this subsection:

19 (A) a person who is actively engaged in providing  
20 representation to a party to the proceeding; and

21 (B) notes and other documents prepared by a  
22 person described by Paragraph (A) in the scope of the person's  
23 representation.

24 (b) An oath administered under this section has the same

1 force and effect as an oath administered by a magistrate in the  
2 magistrate's judicial capacity.

3 (c) A response to a subpoena duces tecum under this section  
4 is considered to have been made under oath.

5 (d) A person who is subpoenaed under this section commits an  
6 offense if the person fails to appear as required by the subpoena.  
7 An offense under this section is a misdemeanor punishable by a fine  
8 up to \$1,000, confinement in the county jail for not more than 30  
9 days, or both the fine and confinement.

10 SECTION 2. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2015.