

By: Cain

H.B. No. 1344

A BILL TO BE ENTITLED

AN ACT

relating to protection for reporting the existence of certain immigration policies of a governmental entity.

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

SECTION 1. The heading to Chapter 554, Government Code, is amended to read as follows:

CHAPTER 554. PROTECTION FOR REPORTING VIOLATIONS OF LAW OR  
EXISTENCE OF CERTAIN POLICIES

SECTION 2. Section 554.002, Government Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports to an appropriate law enforcement authority the existence of a policy of the employing governmental entity that prohibits or discourages the enforcement of state or federal immigration law.

(b) In this section, a report is made to an appropriate law enforcement authority if the authority is a part of a state or local governmental entity or of the federal government that the employee in good faith believes is authorized to:

(1) regulate under or enforce the law:

(A) alleged to be violated in the report; or

(B) prohibited or discouraged from being

1 enforced by a policy in the report; or

2 (2) investigate or prosecute a violation of criminal  
3 law.

4 SECTION 3. Section 554.004, Government Code, is amended to  
5 read as follows:

6 Sec. 554.004. BURDEN OF PROOF; PRESUMPTION; AFFIRMATIVE  
7 DEFENSE. (a) A public employee who sues under this chapter has the  
8 burden of proof, except that if the suspension or termination of, or  
9 adverse personnel action against, a public employee occurs not  
10 later than the 90th day after the date on which the employee makes a  
11 report protected by this chapter [~~reports a violation of law~~], the  
12 suspension, termination, or adverse personnel action is presumed,  
13 subject to rebuttal, to be because the employee made the report.

14 (b) It is an affirmative defense to a suit under this  
15 chapter that the employing state or local governmental entity would  
16 have taken the action against the employee that forms the basis of  
17 the suit based solely on information, observation, or evidence that  
18 is not related to the fact that the employee made a report protected  
19 under this chapter [~~of a violation of law~~].

20 SECTION 4. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2017.