

By: Nevárez, Canales

H.B. No. 2351

A BILL TO BE ENTITLED

AN ACT

relating to the investigation of fire fighters employed by certain municipalities.

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

SECTION 1. Chapter 180, Local Government Code, is amended by adding Section 180.008 to read as follows:

Sec. 180.008. INVESTIGATION OF CERTAIN FIRE FIGHTERS REQUIRED. (a) In this section:

(1) "Fire fighter" means a paid employee of a municipal fire department who:

(A) holds a position that requires substantial knowledge of fire fighting;

(B) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and

(C) performs a function listed in Section 143.003(4)(A).

(2) "Investigation" means an administrative investigation, conducted by a municipality, of alleged misconduct by a fire fighter that could result in punitive action against the fire fighter.

(3) "Punitive action" has the meaning assigned by Section 143.312.

(b) Except as provided by Subsection (d), Section 143.312

1 applies to the investigation of a fire fighter conducted by a
2 municipality, other than a municipality to which Section 143.123
3 applies. For a municipality to which Chapter 143 does not apply, a
4 violation of Section 143.312 may be considered as provided by
5 Section 143.312(1) by the appropriate authority during any
6 disciplinary appeal hearing provided by the municipality.

7 (c) Except as provided by Subsection (d), a municipality to
8 which Subsection (b) applies may not take punitive action against a
9 fire fighter unless an investigation has been conducted in
10 substantial compliance with Section 143.312.

11 (d) This section does not apply to the investigation of a
12 fire fighter that directly relates to the facts and circumstances
13 of an offense for which the fire fighter has been convicted that:

14 (1) involves family violence, as defined by Section
15 71.004, Family Code; and

16 (2) is punishable as a felony or Class A or Class B
17 misdemeanor.

18 (e) To the extent that Subchapter B, Chapter 614, Government
19 Code, applies and conflicts with this section, this section
20 controls.

21 SECTION 2. Section 180.008, Local Government Code, as added
22 by this Act, applies only to an investigation of a fire fighter, as
23 those terms are defined by that section, initiated by a
24 municipality on or after the effective date of this Act.

25 SECTION 3. This Act takes effect September 1, 2017.