

By: Nevárez

H.B. No. 2351

Substitute the following for H.B. No. 2351:

By: Alvarado

C.S.H.B. No. 2351

A BILL TO BE ENTITLED

AN ACT

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

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) "Emergency services district" means an emergency services district created under Chapter 775, Health and Safety Code.

(2) "Fire fighter" means a paid employee of a municipal fire department or emergency services district 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).

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

1 (4) "Punitive action" has the meaning assigned by
2 Section 143.312.

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

10 (c) Except as provided by Subsection (e), Section 143.312
11 applies to the investigation of a fire fighter conducted by an
12 emergency services district. For purposes of this subsection, a
13 reference to a municipality or a municipal department head in
14 Section 143.312 is considered to be a reference to the district or
15 the official of the district responsible for the performance of the
16 duty to which the provision applies. For purposes of Section
17 143.312(1), a violation of Section 143.312 may be considered as
18 provided by Section 143.312(1) by the appropriate authority during
19 any disciplinary appeal hearing provided by the district.

20 (d) Except as provided by Subsection (e), a municipality to
21 which Subsection (b) applies and an emergency services district may
22 not take punitive action against a fire fighter unless an
23 investigation has been conducted in substantial compliance with
24 Section 143.312.

25 (e) This section does not apply to the investigation of a
26 fire fighter that directly relates to the facts and circumstances
27 of an offense for which the fire fighter has been convicted that:

1 (1) involves family violence, as defined by Section
2 71.004, Family Code; and

3 (2) is punishable as a felony or Class A or Class B
4 misdemeanor.

5 (f) To the extent that Subchapter B, Chapter 614, Government
6 Code, applies and conflicts with this section, this section
7 controls.

8 SECTION 2. Section 180.008, Local Government Code, as added
9 by this Act, applies only to an investigation of a fire fighter, as
10 those terms are defined by that section, initiated by a
11 municipality or emergency services district on or after the
12 effective date of this Act.

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