

By: Nevárez

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

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

21 (d) To the extent that Subchapter B, Chapter 614, Government
22 Code, applies and conflicts with this section, this section
23 controls.

24 SECTION 2. Section 180.008, Local Government Code, as added
25 by this Act, applies only to an investigation of a fire fighter, as
26 those terms are defined by that section, initiated by a
27 municipality or emergency services district on or after the

1 effective date of this Act.

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