

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 5, 2017

TO: Honorable Phil King, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB473 by Moody (Relating to the employment of certain peace officers, detention officers, county jailers, or firefighters who are injured in the course and scope of duty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to proscribe an employer from discharging, indefinitely suspending, or terminating from employment a peace officer, detention officer, county jailer, or firefighter due to the person's inability to perform the duties for which the person was elected, appointed, or employed because of the person's injury before the person is certified as having reached maximum medical improvement unless the report of the designated doctor indicates the person is unable to return to work. The bill would make employers liable for reasonable damages resulting from a violation of the bill and would entitle an individual to reinstatement upon violation of the bill in an amount not to exceed \$100,000. It is assumed the costs associated with implementing the provisions of the bill could be absorbed within current appropriations.

The bill would not apply to municipalities that have adopted Chapter 143 of the Local Government Code.

The bill would waive and abolish sovereign immunity from suit and liability and a current or former peace officer, detention officer, county jailer, or firefighter may sue for damages and/or reinstatement.

The bill would take effect September 1, 2017.

Local Government Impact

According to the Texas Association of Counties (TAC), the fiscal impact to counties is not anticipated to be significant because the number of damage awards statewide is anticipated to be relatively small. However, while a single damage award of \$100,000 would be significant in a smaller county, it is not possible to determine the number of claims filed by first responders for wrongful discharge.

Source Agencies: 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, FR, GG, BM, JGA, JAW, JN, KVe, SJS, CL, AI, KKR, SD