

BILL ANALYSIS

C.S.H.B. 1895
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that punitive action may be taken unfairly or unjustly against a municipal fire fighter in the absence of a proper investigation having been conducted. C.S.H.B. 1895 seeks to address this issue by prohibiting a municipality from taking punitive action against a fire fighter unless an applicable investigation has been conducted.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1895 amends the Government Code to prohibit a municipality from taking punitive action against a fire fighter unless an investigation has been conducted in accordance with certain procedures prescribed under the fire fighters' and police officers' civil service law or other applicable law. The bill applies to a fire fighter employed by a municipality regardless of whether the municipality is covered by a meet and confer or collective bargaining agreement under the fire fighters' and police officers' civil service law or The Fire and Police Employee Relations Act.

C.S.H.B. 1895 requires a municipality to which certain investigation requirements under the fire fighters' and police officers' civil service law or another substantially similar investigation requirement do not apply to adopt and comply with procedures substantially identical to those required under that civil service law for certain municipalities with a population of 460,000 or more that operate under a city manager form of government. The bill requires a copy of a signed complaint against a municipal fire fighter to be given to the fire fighter in accordance with such adopted procedures. The bill's provisions expressly do not apply to the investigation of a fire fighter that directly relates to the facts and circumstances of an offense for which the fire fighter has been convicted that involves family violence and is punishable as a felony or Class A or Class B misdemeanor.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1895 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a fire fighter of an emergency services district within the scope of its provisions. The substitute does not include certain qualifications in the definition of "fire fighter."

The substitute does not include a provision applying specified investigation procedures under the fire fighters' and police officers' civil service law to the investigation of a fire fighter conducted by a municipality, with an exception for a municipality subject to certain other investigation procedures under that law. The substitute includes instead a requirement for a municipality to which neither of those investigation procedures, nor any other substantially similar investigation requirement, apply to adopt and comply with procedures substantially identical to those required by a specified provision of the civil service law.

The substitute expands the applicability of the prohibition against a municipality taking punitive action against a fire fighter unless an applicable investigation has been conducted to include all municipalities and makes related changes to the specification of the laws in accordance with such an investigation must be conducted.

The substitute includes a provision making its provisions applicable to a fire fighter employed by a municipality regardless of whether the municipality is covered by a meet and confer or collective bargaining agreement under the fire fighters' and police officers' civil service law or The Fire and Police Employee Relations Act.

The substitute includes a provision requiring a copy of a signed complaint against a municipal fire fighter to be given to the fire fighter in accordance with certain procedures.