

BILL ANALYSIS

H.B. 3894
By: Muñoz, Jr.
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised with regard to the broad authority granted sheriffs and district attorneys in certain counties over the appointment of members to the civil service commission that oversees the operation and administration of sheriff's departments. It has been suggested that this authority could lead to politically motivated decisions and disparity in the way those systems are administered. H.B. 3894 seeks to address these concerns by setting out provisions relating to such a civil service system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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

H.B. 3894 amends the Local Government Code to set out provisions relating to a sheriff's department civil service system in a county with a population of more than 500,000. The bill adds to the qualifications required for a person to be eligible for appointment to a sheriff's department civil service commission.

H.B. 3894 sets out provisions relating to the following:

- the removal of a commission member;
- commission investigations and inspections;
- commission decisions and records;
- disciplinary suspensions;
- demotions;
- expanded appeals provisions;
- reinstatement of a suspended employee;
- an appeal to an independent third-party hearing examiner;
- uncompensated duty by an employee with regard to a period of disciplinary suspension without pay;
- notice of a promotional examination;

- eligibility for a promotional examination;
- promotional examination procedure;
- promotional examination grades;
- review and appeal of a promotional examination;
- procedure for making promotional appointments;
- designation of an employee from the next lower classification to temporarily fill a position in a higher classification;
- leaves of absence for certain beneficial purposes;
- military leave of absence;
- military leave time accounts;
- line of duty illness or injury leave of absence;
- reappointment of an employee after recovery from a disability;
- required personnel file for each employee;
- investigation of an employee;
- procedure for a grievance filed by an employee that consists of four steps as described by the bill;
- grievance examiner; and
- miscellaneous grievance provisions.

H.B. 3894 creates the following offenses:

- an offense for a person who fails to respond to a subpoena relating to a commission investigation punishable by a fine of not less than \$10 or more than \$1,000, confinement in the county jail for not more than 30 days, or both fine and confinement;
- a misdemeanor offense for a person subject to an applicable sheriff's department civil service system who violates applicable provisions punishable by a fine of not less than \$10 or more than \$1,000, confinement in the county jail for not more than 30 days, or both fine and confinement; and
- a misdemeanor offense for a person who knowingly or intentionally reveals a part of a promotional examination to an unauthorized person for unfair personal gain or advantage or receives from any person a part of a promotional examination for unfair personal gain or advantage punishable by a fine of not less than \$1,000, confinement in the county jail for not more than one year, or both fine and confinement.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.