

By: Huberty

H.B. No. 766

A BILL TO BE ENTITLED

1 AN ACT
2 relating to exemptions for disabled peace officers and fire
3 fighters from payment of tuition and fees at public institutions of
4 higher education.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Section 54.352, Education Code,
7 is amended to read as follows:

8 Sec. 54.352. DISABLED PEACE OFFICERS AND FIRE FIGHTERS [~~+~~
9 ~~OPTIONAL EXEMPTION~~].

10 SECTION 2. Sections 54.352(a), (g), and (h), Education
11 Code, are amended to read as follows:

12 (a) The governing board of an institution of higher
13 education shall [~~may~~] exempt a student from the payment of tuition
14 and [~~required~~] fees [~~authorized by this chapter~~] for a course for
15 which space is available if the student:

16 (1) is a resident of this state and has resided in this
17 state for the 12 months immediately preceding the beginning of the
18 semester or session for which an exemption is sought;

19 (2) is permanently disabled as a result of an injury
20 suffered during the performance of a duty as:

21 (A) a peace officer of this state or a political
22 subdivision of this state; or

23 (B) a fire fighter, as defined by Section
24 614.001, Government Code, employed by this state or a political

1 subdivision of this state; and

2 (3) is unable to continue employment as a peace
3 officer or fire fighter because of the disability.

4 (g) For the purpose of [In] this section, an injury is
5 suffered during the performance of a duty as a peace officer if the
6 injury occurs [~~"injury suffered during the performance of a duty as~~
7 ~~a peace officer" means an injury occurring~~] as a result of the peace
8 officer's performance of any of the following law enforcement
9 duties:

10 (1) traffic enforcement or traffic control duties,
11 including enforcement of traffic laws, investigation of vehicle
12 accidents, or directing traffic;

13 (2) pursuit, arrest, or search of a person reasonably
14 believed to have violated a law;

15 (3) investigation, including undercover
16 investigation, of a criminal act;

17 (4) patrol duties, including automobile, bicycle,
18 foot, air, or horse patrol;

19 (5) duties related to the transfer of prisoners; or

20 (6) training duties, including participation in any
21 training required by the officer's employer or supervisor or by the
22 Texas Commission on Law Enforcement.

23 (h) For the purpose of this section, a person [~~peace~~
24 ~~officer~~] is considered permanently disabled only if the chief
25 administrative officer of the law enforcement agency, fire
26 department, or other entity that employed the person [~~officer~~] at
27 the time of the injury, as applicable, determines the person

1 [~~officer~~] is permanently disabled and satisfies any requirement of
2 an institution under Subsection (e).

3 SECTION 3. The changes in law made by this Act apply to an
4 exemption from tuition and fees beginning with the 2019 fall
5 semester.

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2019.