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H.B. No. 872

A BILL TO BE ENTITLED

AN ACT

relating to financial assistance paid to the survivors of certain  
law enforcement officers and other public employees killed in the  
line of duty.

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

SECTION 1. Section 615.041, Government Code, is amended to  
read as follows:

Sec. 615.041. CONSIDERATION AND DETERMINATION ~~[PROOF]~~ OF  
CLAIM; COMPELLED COMPLIANCE. (a) As soon as practicable after  
the death of an individual listed under Section 615.003 that occurs  
in the performance of duties in the individual's position as  
described by Section 615.003 or as a result of an action that occurs  
while the individual is performing those duties ~~[is claimed to meet~~  
~~the requirements of Section 615.021(1)]~~, the individual's  
employing entity shall furnish to the board of trustees of the  
Employees Retirement System of Texas proof of the death in the form  
and with additional evidence and information required by the board.

(b) The board of trustees shall consider the proof,  
evidence, and information provided under Subsection (a), and any  
additional information required by the rules adopted in accordance  
with Section 615.002, to determine whether the individual's death  
satisfies the eligibility requirements established under Section  
615.021(a)(1) and justifies the payment of assistance to the  
individual's eligible survivors under this chapter.

1        (c) If the individual's employing entity fails to comply  
2 with Subsection (a), the attorney general may use any means  
3 authorized by law, including filing suit for a writ of mandamus  
4 against the employer, to compel the employer's compliance with this  
5 section.

6        SECTION 2. Section 615.121(a), Government Code, is amended  
7 to read as follows:

8        (a) The state shall pay the following benefits to an  
9 eligible surviving spouse of a peace officer, a jailer, a county  
10 jailer or guard, or an employee of the Texas Department of Criminal  
11 Justice, as described by Section 615.003(1), (4), ~~[or]~~ (6), or (7),  
12 who was killed in the line of duty and who had not qualified for an  
13 annuity under an employees' retirement plan:

14                (1) funeral expenses related to the deceased person  
15 ~~[officer or employee]~~; and

16                (2) monthly payments that equal the greater of:

17                        (A) the monthly annuity payment the deceased  
18 person ~~[officer or employee]~~ would have received if the deceased  
19 person ~~[officer or employee]~~ had survived, had retired on the last  
20 day of the month in which the person ~~[officer or employee]~~ died, and  
21 had been eligible to receive an annuity under an employees'  
22 retirement plan; or

23                        (B) the minimum monthly annuity payment the  
24 deceased person ~~[officer or employee]~~ would have received if the  
25 person ~~[officer or employee]~~ had been employed by the state for 10  
26 years, had been paid a salary at the lowest amount provided by the  
27 General Appropriations Act for a position of peace officer, jailer,

1 county jailer or guard, or employee of the Texas Department of  
2 Criminal Justice, as described by Section 615.003(1), (4), ~~or~~  
3 (6), or (7), and had been eligible to retire under the Employees  
4 Retirement System of Texas.

5       SECTION 3. Section 615.041, Government Code, as amended by  
6 this Act, applies to the payment of assistance in connection with a  
7 death that occurs on or after the effective date of this Act. The  
8 payment of assistance in connection with a death that occurs before  
9 the effective date of this Act is governed by the law in effect  
10 immediately before the effective date of this Act, and that law is  
11 continued in effect for that purpose.

12       SECTION 4. Section 615.121(a), Government Code, as amended  
13 by this Act, applies to a payment of assistance to survivors of  
14 certain law enforcement officers and employees on or after the  
15 effective date of this Act regardless of the date the officer or  
16 employee died.

17       SECTION 5. This Act takes effect September 1, 2019.