

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) Not later than the 30th day [~~As soon as practicable~~] after the date of 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. The employing entity shall furnish the evidence and information required under this subsection regardless of whether the employing entity believes the individual's death satisfies the eligibility requirements established under Section 615.021(a)(1).

(b) The board of trustees shall consider the proof, evidence, and information provided under Subsection (a), and any

1 additional information required by the rules adopted in accordance
2 with Section 615.002, to determine whether the individual's death
3 satisfies the eligibility requirements established under Section
4 615.021(a)(1) and justifies the payment of assistance to the
5 individual's eligible survivors under this chapter.

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

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

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

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

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

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

1 (B) the minimum monthly annuity payment the
2 deceased person [~~officer or employee~~] would have received if the
3 person [~~officer or employee~~] had been employed by the state for 10
4 years, had been paid a salary at the lowest amount provided by the
5 General Appropriations Act for a position of peace officer, jailer,
6 county jailer or guard, or employee of the Texas Department of
7 Criminal Justice, as described by Section 615.003(1), (4), [~~or~~]
8 (6), or (7), and had been eligible to retire under the Employees
9 Retirement System of Texas.

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

17 SECTION 4. Section 615.121(a), Government Code, as amended
18 by this Act, applies to a payment of assistance to survivors of
19 certain law enforcement officers and employees on or after the
20 effective date of this Act regardless of the date the officer or
21 employee died.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 872 was passed by the House on April 18, 2019, by the following vote: Yeas 129, Nays 3, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 872 on May 23, 2019, by the following vote: Yeas 140, Nays 4, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 872 was passed by the Senate, with amendments, on May 21, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor