

By: Cyrier, Bell of Montgomery, Guillen,
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H.B. No. 1618

A BILL TO BE ENTITLED

AN ACT

relating to the provision of state death benefits to certain members of the Texas military forces.

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

SECTION 1. Section 615.003, Government Code, is amended to read as follows:

Sec. 615.003. APPLICABILITY. This chapter applies only to eligible survivors of the following individuals:

(1) an individual:

(A) elected, appointed, or employed as a peace officer by the state or a political subdivision of the state under Article 2.12, Code of Criminal Procedure, or other law; or

(B) employed as a peace officer by a private institution of higher education, including a private junior college, that is located in this state under Section 51.212, Education Code;

(2) a paid probation officer appointed by the director of a community supervision and corrections department who has the duties set out in Section 76.002 and the qualifications set out in Section 76.005, or who was appointed in accordance with prior law;

(3) a parole officer employed by the Texas Department of Criminal Justice who has the duties set out in Section 508.001 and the qualifications set out in Section 508.113 or in prior law;

(4) a paid jailer;

1 (5) a member of an organized police reserve or
2 auxiliary unit who regularly assists peace officers in enforcing
3 criminal laws;

4 (6) a member of the class of employees of the
5 correctional institutions division formally designated as
6 custodial personnel under Section 615.006 by the Texas Board of
7 Criminal Justice or its predecessor in function;

8 (7) a jailer or guard of a county jail who is appointed
9 by the sheriff and who:

10 (A) performs a security, custodial, or
11 supervisory function over the admittance, confinement, or
12 discharge of prisoners; and

13 (B) is certified by the Texas Commission on Law
14 Enforcement;

15 (8) a juvenile correctional employee of the Texas
16 Juvenile Justice Department;

17 (9) an employee of the Health and Human Services
18 Commission [~~Department of Aging and Disability Services or~~
19 ~~Department of State Health Services~~] who:

20 (A) works at the commission's [~~department's~~]
21 maximum security unit; or

22 (B) performs on-site services for the Texas
23 Department of Criminal Justice;

24 (10) an individual who is employed by the state or a
25 political or legal subdivision and is subject to certification by
26 the Texas Commission on Fire Protection;

27 (11) an individual employed by the state or a

1 political or legal subdivision whose principal duties are aircraft
2 crash and rescue fire fighting;

3 (12) a member of an organized volunteer fire-fighting
4 unit that:

5 (A) renders fire-fighting services without
6 remuneration; and

7 (B) conducts a minimum of two drills each month,
8 each two hours long;

9 (13) an individual who:

10 (A) performs emergency medical services or
11 operates an ambulance;

12 (B) is employed by a political subdivision of the
13 state or is an emergency medical services volunteer as defined by
14 Section 773.003, Health and Safety Code; and

15 (C) is qualified as an emergency care attendant
16 or at a higher level of training under Section 773.046, 773.047,
17 773.048, 773.049, or 773.0495, Health and Safety Code;

18 (14) an individual who is employed or formally
19 designated as a chaplain for:

20 (A) an organized volunteer fire-fighting unit or
21 other fire department of this state or of a political subdivision of
22 this state;

23 (B) a law enforcement agency of this state or of a
24 political subdivision of this state; or

25 (C) the Texas Department of Criminal Justice;

26 (15) an individual who is employed by the state or a
27 political subdivision of the state and who is considered by the

1 governmental employer to be a trainee for a position otherwise
2 described by this section;

3 (16) an individual who is employed by the Department
4 of Public Safety and, as certified by the director, is:

5 (A) deployed into the field in direct support of
6 a law enforcement operation, including patrol, investigative,
7 search and rescue, crime scene, on-site communications, or special
8 operations; and

9 (B) given a special assignment in direct support
10 of operations relating to organized crime, criminal interdiction,
11 border security, counterterrorism, intelligence, traffic
12 enforcement, emergency management, regulatory services, or special
13 investigations; ~~or~~

14 (17) an individual who is employed by the Parks and
15 Wildlife Department and, as certified by the executive director of
16 the Parks and Wildlife Department, is:

17 (A) deployed into the field in direct support of
18 a law enforcement operation, including patrol, investigative,
19 search and rescue, crime scene, on-site communications, or special
20 operations; and

21 (B) given a special assignment in direct support
22 of operations relating to organized crime, criminal interdiction,
23 border security, counterterrorism, intelligence, traffic
24 enforcement, emergency management, regulatory services, or special
25 investigations; or

26 (18) a member of the Texas military forces, as defined
27 by Section 437.001:

1 (A) who performs a military duty or is on state
2 active duty, as those terms are defined in Section 437.001; and

3 (B) whose eligible survivors are not otherwise
4 eligible under federal law to receive a payment under 10 U.S.C.
5 Sections 1475 through 1477 in relation to that duty.

6 SECTION 2. The change in law made by this Act relating to
7 the death of a member of the Texas military forces applies only in
8 relation to a death that occurs on or after the effective date of
9 this Act. Matters regarding eligibility, payment, and benefits
10 under Chapter 615, Government Code, in relation to a death that
11 occurs before the effective date of this Act are governed by the law
12 in effect on the date the death occurs, and the former law is
13 continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2019.