

By: Nevárez

H.B. No. 1895

Substitute the following for H.B. No. 1895:

By: Button

C.S.H.B. No. 1895

A BILL TO BE ENTITLED

AN ACT

relating to the investigation of municipal fire fighters.

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

SECTION 1. Subchapter B, Chapter 614, Government Code, is amended by adding Section 614.024 to read as follows:

Sec. 614.024. INVESTIGATION OF MUNICIPAL FIRE FIGHTERS REQUIRED. (a) In this section:

(1) "Fire fighter" means a paid employee of a municipal fire department.

(2) "Investigation" means an administrative investigation conducted by a municipality of alleged misconduct by a fire fighter that could result in punitive action against the fire fighter.

(3) "Punitive action" means a disciplinary suspension, indefinite suspension, demotion in rank, reprimand, or any combination of those actions.

(b) Notwithstanding Section 614.021(b), this section applies to a fire fighter employed by a municipality regardless of whether the municipality is covered by a meet and confer or collective bargaining agreement under Chapter 143 or 174, Local Government Code.

(c) In addition to the requirements of Section 614.023, a municipality may not take punitive action against a fire fighter unless an investigation has been conducted in accordance with

1 Section 143.123 or 143.312, Local Government Code, or other
2 applicable law.

3 (d) A municipality to which Section 143.123 or 143.312,
4 Local Government Code, or another substantially similar
5 investigation requirement does not apply shall adopt and comply
6 with procedures substantially identical to those required by
7 Section 143.312, Local Government Code.

8 (e) This section does not apply to the investigation of a
9 fire fighter that directly relates to the facts and circumstances
10 of an offense for which the fire fighter has been convicted that:

11 (1) involves family violence, as defined by Section
12 71.004, Family Code; and

13 (2) is punishable as a felony or Class A or Class B
14 misdemeanor.

15 SECTION 2. Section 614.023(a), Government Code, is amended
16 to read as follows:

17 (a) A copy of a signed complaint against a law enforcement
18 officer of this state or a fire fighter, detention officer, county
19 jailer, or peace officer appointed or employed by a political
20 subdivision of this state shall be given to the officer or employee:

21 (1) within a reasonable time after the complaint is
22 filed; or

23 (2) for a municipal fire fighter, in accordance with
24 procedures adopted under Section 614.024(d).

25 SECTION 3. Section 614.024, Government Code, as added by
26 this Act, applies only to an investigation, as that term is defined
27 by that section, initiated by a municipality on or after the

1 effective date of this Act.

2 SECTION 4. This Act takes effect September 1, 2019.