

BILL ANALYSIS

Senate Research Center
87R11134 MP-D

S.B. 1359
By: Hughes
Criminal Justice
3/26/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Our law enforcement officers face some of the most mentally stressful situations imaginable. Because of this, we should equip law enforcement agencies with every tool available to serve their officers and make sure their mental health is served.

S.B. 1359 amends the Government Code to require a law enforcement agency to have a mental health leave policy in place for their peace officers. Though there is a requirement that a policy be made, it is up to the discretion of the law enforcement agency to develop and adopt a policy allowing the use of mental health leave by the peace officers employed by the agency who experience a traumatic event.

The mental health leave policy created by an agency must clearly state the following:

- create guidelines for circumstances that lead to the leave;
- grant a peace officer this leave without deduction in salary/compensation;
- enumerate the number of mental health leave days available to a peace officer; and
- detail how much anonymity the peace officer has when the leave is taken.

S.B. 1359 also states that a law enforcement agency may provide a list of mental health services in their area that a peace officer may use.

As proposed, S.B. 1359 amends current law relating to adoption by law enforcement agencies of a mental health leave policy for peace officers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 614, Government Code, by adding Subchapter A-1, as follows:

SUBCHAPTER A-1. MENTAL HEALTH LEAVE

Sec. 614.015. MENTAL HEALTH LEAVE FOR PEACE OFFICERS. (a) Defines "law enforcement agency."

(b) Requires each law enforcement agency to develop and adopt a policy allowing the use of mental health leave by the peace officers employed by the agency who experience a traumatic event in the scope of that employment.

(c) Requires that the mental health leave policy adopted under this section:

(1) provide clear and objective guidelines establishing the circumstances under which a peace officer is granted mental health leave and may use mental health leave;

(2) entitle a peace officer to mental health leave without a deduction in salary or other compensation;

(3) enumerate the number of mental health leave days available to a peace officer; and

(4) detail the level of anonymity for a peace officer who takes mental health leave.

(d) Authorizes the mental health leave policy adopted under this section to provide a list of mental health services available to peace officers in the area of the law enforcement agency.

SECTION 2. Requires each law enforcement agency, as soon as practicable after the effective date of this Act, to develop the mental health leave policy required by Section 614.015, Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2021.