

By: Canales, Morales of Maverick

H.B. No. 1973

A BILL TO BE ENTITLED

AN ACT

relating to the investigation of municipal fire fighters in certain municipalities.

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 IN CERTAIN MUNICIPALITIES. (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) This section applies only to a municipality with a population of 10,000 or more.

(c) 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.

1 (d) This section supersedes a conflicting provision in a
2 meet and confer or collective bargaining agreement.

3 (e) A meet and confer or collective bargaining agreement
4 under Chapter 143 or 174, Local Government Code, may impose
5 requirements for investigations in addition to those provided in
6 Section 143.123 or Sections 143.312(a)-(k), Local Government Code,
7 that do not conflict with the requirements of those sections.

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

11 (1) Section 143.123 or Sections 143.312(a)-(k), Local
12 Government Code, or other applicable law, including the
13 requirements adopted under Subsection (g), if applicable; and

14 (2) any additional requirements imposed by a meet and
15 confer or collective bargaining agreement under Chapter 143 or 174,
16 Local Government Code.

17 (g) A municipality to which Section 143.123 or 143.312,
18 Local Government Code, or another substantially similar
19 investigation requirement does not apply shall adopt and comply
20 with:

21 (1) procedures substantially identical to those
22 required by Sections 143.312(a)-(k), Local Government Code; and

23 (2) any additional procedures or requirements imposed
24 by a meet and confer or collective bargaining agreement under
25 Chapter 143 or 174, Local Government Code.

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

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

5 (1) within a reasonable time after the complaint is
6 filed; or

7 (2) for a municipal fire fighter, in accordance with
8 procedures applicable under Section 614.024.

9 SECTION 3. (a) Section 614.024, Government Code, as added
10 by this Act, applies only to an investigation, as that term is
11 defined by that section, initiated by a municipality on or after the
12 effective date of this Act.

13 (b) Section 614.024(d), Government Code, as added by this
14 Act, applies only to an agreement entered into on or after the
15 effective date of this Act.

16 SECTION 4. This Act takes effect September 1, 2021.