

By: Canales

H.B. No. 2001

A BILL TO BE ENTITLED

AN ACT

relating to procedures and practices governing the appeal of a disciplinary action within the Department of Public Safety.

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

SECTION 1. Section 411.007(f), Government Code, is amended to read as follows:

(f) A discharged commissioned officer is entitled, on application to the commission, to a public hearing before the commission, who shall affirm, modify, or set aside the discharge. The commission shall affirm, modify, or set aside a discharge on the basis of the evidence presented to the commission. If the commission affirms the discharge, the discharged officer may seek judicial review, not later than the 90th day after the date the commission affirms the discharge, in a district court under the substantial evidence standard of review, and the officer remains suspended without pay while the case is under judicial review. If the commission sets aside or modifies the discharge, including by prescribing a period of suspension or a demotion, the commission may award back pay for all or part of the period during which the commissioned officer was suspended without pay.

SECTION 2. Section 411.0072(b), Government Code, is amended to read as follows:

(b) The commission shall establish procedures and practices

1 governing the appeal of a disciplinary action within the  
2 department. The procedures and practices must allow a commissioned  
3 officer who is the subject of a disciplinary action to present  
4 testimony and evidence to the commission at a hearing on the appeal.

5 SECTION 3. This Act takes effect September 1, 2021.