

BILL ANALYSIS

Senate Research Center
88R2010 JTZ-D

H.B. 1661
By: Burns (King)
Criminal Justice
5/12/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Problem:

- Current law prohibits a person who is 45 years of age or older from being certified for a beginning position in a civil service police department.
- This prohibition applies regardless of whether the candidate is physically and mentally able to fulfill the duties of the job.
- As a result, many civil service municipalities with smaller populations have difficulty finding suitable candidates for open positions.

Benefits:

- Increases the size of potential candidate pools for municipal civil service police departments serving smaller municipalities.
- Allows candidates, who are able to do the job and would only be disqualified based on their age, to begin their career with municipal civil service police departments.

How the bill works:

- H.B. 1661 amends the Local Government Code by repealing the section prohibiting a person who is 45 years of age or older from being certified for a beginning position in a municipal civil service police department.
- Makes conforming changes to the Local Government Code.

H.B. 1661 amends current law relating to the age limit for a beginning position in a police department under municipal civil service.

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. Repealer: Section 143.023(c) (relating to prohibiting a person who is 45 years of age or older from being certified for a beginning position in a police department), Local Government Code.

SECTION 2. Amends the heading to Section 143.083, Local Government Code, to read as follows:

Sec. 143.083. EMERGENCY APPOINTMENT OF TEMPORARY FIRE FIGHTERS.

SECTION 3. Amends Section 143.083(a), Local Government Code, as follows:

- (a) Deletes existing text requiring the Fire Fighters' and Police Officers' Civil Service Commission, if a municipality is unable to recruit qualified police officers because of the maximum age limit prescribed by Section 143.023 (Eligibility for Beginning Position) and the municipality's governing body finds that this inability creates an emergency, to recommend to the governing body additional rules governing the temporary employment of persons who are 36 years of age or older.

SECTION 4. Amends Section 143.084, Local Government Code, as follows:

Sec. 143.084. New heading: CIVIL SERVICE STATUS AND PENSION BENEFITS FOR CERTAIN FIRE FIGHTERS. (a) Deletes existing text providing that each police officer who, since December 31, 1969, has been continuously employed as a temporary employee under the provision codified as Section 143.083 has the full status of a civil service employee with certain rights and privileges.

(b) Makes conforming changes to this subsection.

SECTION 5. Provides that Section 143.084, Local Government Code, as amended by this Act, does not affect the civil service status or eligibility for pension benefits of a police officer to whom that section applied immediately before the effective date of this Act. Provides that the civil service status and eligibility for pension benefits of a police officer to whom that section applied is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 6. Effective date: September 1, 2023.