

## **BILL ANALYSIS**

H.B. 2316  
By: Canales  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Constituents and advocates have raised concerns that peace officers, detention officers, county jailers, and firefighters who are injured in the line of duty are not being allowed enough time to recover from their injuries. The advocates contend that these public safety employees should be given special considerations when they are injured, but instead are being terminated from employment before a physician has determined whether or not the employee will recover enough to return to work. H.B. 2316 seeks to address these concerns by prohibiting certain municipalities or counties from discharging, indefinitely suspending, or terminating such an employee from employment before they have been certified as having reached maximum medical improvement.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2316 amends the Government Code to prohibit an employer from discharging, indefinitely suspending, or terminating from employment a peace officer, detention officer, county jailer, or firefighter who is injured in the course and scope of duty, on the basis of the person's inability to perform their duties because of the injury, before the person is certified as having reached maximum medical improvement. The bill provides an exception to that prohibition if the report of the person's treating doctor indicates that the person is permanently restricted from returning to perform their duties. The bill requires a dispute regarding a person's ability to perform their duties to be adjudicated in the manner provided by the applicable provisions of the Texas Workers' Compensation Act.

H.B. 2316 makes an employer that violates the prohibition liable for reasonable damages incurred by the officer, jailer, or firefighter as a result of the violation. The bill caps the damages at \$100,000 and also entitles the officer, jailer, or firefighter to reinstatement in their former position of employment. With respect to such remedies, the bill does the following:

- places the burden of proof in a proceeding on the officer, jailer, or firefighter;
- establishes that sovereign immunity to suit and from liability is waived and abolished to the extent of liability created by the bill; and
- authorizes a current or former officer, jailer, or firefighter to sue an employer for damages and reinstatement.

H.B. 2316 defines, among other terms, "employer" as a governmental entity that appoints or employs a peace officer, detention officer, county jailer, or firefighter or that an officer, jailer, or firefighter is elected to serve. However, the bill exempts from its provisions a municipality that has adopted the fire fighters' and police officers' civil service law and a county in which a civil service system has been created.

H.B. 2316 applies only to a discharge, indefinite suspension, or termination from employment that occurs on or after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2023.