

AN ACT

relating to benefits for certain members of the Texas military forces and survivors of members of the Texas military forces.

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

SECTION 1. This Act may be cited as the Bishop Evans Act.

SECTION 2. Subchapter C, Chapter 56B, Code of Criminal Procedure, is amended by adding Article 56B.109 to read as follows:

Art. 56B.109. COMPENSATION FOR CERTAIN SURVIVORS OF MEMBERS OF TEXAS MILITARY FORCES. (a) In this article, "state active duty," "Texas military forces," and "Texas National Guard" have the meanings assigned by Section 437.001, Government Code.

(b) The attorney general shall award a lump sum payment in accordance with Subsection (c) to a claimant on behalf of an individual who is a victim of border crime and a member of the Texas military forces if:

(1) the individual died on or after March 6, 2021, but before September 1, 2023, while on state active duty;

(2) the individual's death was in connection with operations initiated to address criminal activity in the border region; and

(3) the claimant is:

(A) if the individual is a member of the Texas National Guard, a beneficiary designated by the individual on the individual's United States Department of Defense Form DD-93; or

1 (B) if the individual is not a member of the Texas
2 National Guard or there is no beneficiary described by Paragraph

3 (A):

4 (i) the surviving spouse of the individual;

5 (ii) a surviving child of the individual,

6 if there is no surviving spouse; or

7 (iii) the surviving parent of the
8 individual, if there is no surviving spouse or child.

9 (c) For purposes of Subsection (b), the lump sum payment
10 amount payable to an eligible claimant is:

11 (1) if there is a claimant described by Subsection
12 (b)(3)(A) or (B)(i), \$500,000 paid to the claimant; or

13 (2) if there is no claimant described by Subsection
14 (b)(3)(A) or (B)(i), \$500,000, in equal shares:

15 (A) paid to each claimant described by Subsection
16 (b)(3)(B)(ii); or

17 (B) paid to each claimant described by Subsection
18 (b)(3)(B)(iii) if there is no claimant described by Subsection
19 (b)(3)(B)(ii).

20 (d) This article may not be construed to limit the
21 assistance or compensation a claimant may otherwise receive under
22 this chapter.

23 (e) For purposes of this article, a beneficiary designated
24 by an individual on the individual's United States Department of
25 Defense Form DD-93 is a "claimant."

26 SECTION 3. Section [615.004](#)(a), Government Code, is amended
27 to read as follows:

1 (a) A finding that assistance is payable to an eligible
2 survivor of an individual listed under Section [615.003](#) or 615.024
3 is not a declaration of the cause, nature, or effect of a death for
4 any other purpose.

5 SECTION 4. Section [615.021\(b\)](#), Government Code, is amended
6 to read as follows:

7 (b) Payment of assistance may not occur under this
8 subchapter unless an individual is eligible under Subsection (a) or
9 Section 615.024.

10 SECTION 5. Subchapter B, Chapter [615](#), Government Code, is
11 amended by adding Section 615.024 to read as follows:

12 Sec. 615.024. PAYMENT TO SURVIVORS OF MEMBERS OF TEXAS
13 MILITARY FORCES. (a) In this section, "state active duty," "Texas
14 military forces," and "Texas National Guard" have the meanings
15 assigned by Section [437.001](#).

16 (b) Notwithstanding Section [615.003](#) or [615.021](#), a survivor
17 of an individual who is a member of the Texas military forces is
18 eligible to receive a lump sum payment described by Section [615.022](#)
19 and monthly assistance described by Section [615.023](#), as applicable,
20 which are the exclusive benefits available under this chapter, if:

21 (1) the individual died while on state active duty;

22 (2) the Texas Military Department certifies to the
23 Employees Retirement System of Texas that the circumstances of the
24 individual's death entitle an eligible survivor to the payment of
25 assistance under this chapter; and

26 (3) the survivor is:

27 (A) if the individual is a member of the Texas

1 National Guard, a beneficiary designated by the individual on the
2 individual's United States Department of Defense Form DD-93; or

3 (B) if the individual is not a member of the Texas
4 National Guard or there is no beneficiary described by Paragraph
5 (A):

6 (i) the surviving spouse of the individual;
7 (ii) a surviving child of the individual,
8 if there is no surviving spouse; or

9 (iii) the surviving parent of the
10 individual, if there is no surviving spouse or child.

11 (c) The Texas Military Department shall adopt rules
12 providing the circumstances under which the death of an individual
13 described by Subsection (b) entitles an eligible survivor to the
14 payment of assistance under this chapter.

15 SECTION 6. Sections 615.045(a), (c), and (d), Government
16 Code, are amended to read as follows:

17 (a) Records of individuals listed by Section 615.003 or
18 described by Section 615.024 and of survivors eligible for benefits
19 under this chapter that are in the custody of the Employees
20 Retirement System of Texas, an administering firm as defined by
21 Section 1551.003, Insurance Code, a carrier as defined by Section
22 1551.007, Insurance Code, or another governmental agency acting
23 with or on behalf of the retirement system are confidential and not
24 subject to public disclosure, and the retirement system,
25 administering firm, carrier, or governmental agency is not required
26 to accept or comply with a request for a record or information about
27 a record or to seek an opinion from the attorney general, because

1 the records are exempt from the provisions of Chapter 552, except as
2 otherwise provided by this section.

3 (c) The records of individuals listed by Section 615.003 or
4 described by Section 615.024 and of eligible survivors remain
5 confidential after release to a person as authorized by this
6 section. The records of individuals listed by Section 615.003 or
7 described by Section 615.024 and of eligible survivors may become
8 part of the public record of an administrative or judicial
9 proceeding related to an appeal filed under this chapter, unless
10 the records are closed to public access by a protective order issued
11 under applicable law.

12 (d) The retirement system has sole discretion in
13 determining whether a record is subject to this section. For
14 purposes of this section, a record includes any identifying
15 information about any person, living or deceased, who is or was:

16 (1) an individual listed in Section 615.003 or
17 described by Section 615.024; or

18 (2) a survivor, heir, or beneficiary of an individual
19 listed in Section 615.003 or described by Section 615.024.

20 SECTION 7. Subchapter C, Chapter 401, Labor Code, is
21 amended by adding Section 401.027 to read as follows:

22 Sec. 401.027. APPLICABILITY TO CERTAIN MEMBERS OF TEXAS
23 MILITARY FORCES. (a) In this section, "state active duty," "state
24 training and other duty," and "Texas military forces" have the
25 meanings assigned by Section 437.001, Government Code.

26 (b) For purposes of this subtitle, the travel of a member of
27 the Texas military forces to or from the member's duty location

1 while serving on state active duty and engaged in authorized duty
2 under written orders or while on state training and other duty is
3 considered to be in the course and scope of the member's employment.

4 SECTION 8. Section 501.001, Labor Code, is amended by
5 adding Subdivisions (5-a) and (6-a) to read as follows:

6 (5-a) "Post-traumatic stress disorder" has the
7 meaning assigned by Section 504.019.

8 (6-a) "State active duty" and "Texas military forces"
9 have the meanings assigned by Section 437.001, Government Code.

10 SECTION 9. Subchapter B, Chapter 501, Labor Code, is
11 amended by adding Sections 501.027, 501.028, and 501.029 to read as
12 follows:

13 Sec. 501.027. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER
14 FOR MEMBERS OF TEXAS MILITARY FORCES. (a) Post-traumatic stress
15 disorder suffered by a member of the Texas military forces on state
16 active duty is a compensable injury under this subtitle only if it
17 is based on a diagnosis that:

18 (1) the disorder is caused by one or more events
19 occurring in the course and scope of the member's state active duty;
20 and

21 (2) the preponderance of evidence indicates that the
22 event or events were a producing cause of the disorder.

23 (b) For purposes of this subtitle, the date of injury for
24 post-traumatic stress disorder suffered by a member of the Texas
25 military forces is the date on which the member knew or should have
26 known that the disorder may be related to the member's state active
27 duty.

1 Sec. 501.028. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR
2 CERTAIN INJURIES SUSTAINED BY CERTAIN MEMBERS OF TEXAS MILITARY
3 FORCES ON STATE ACTIVE DUTY. (a) This section applies only to a
4 member of the Texas military forces who sustains a serious bodily
5 injury, as defined by Section 1.07, Penal Code, on state active
6 duty.

7 (b) An insurance carrier shall accelerate and give priority
8 to a claim for medical benefits by a member of the Texas military
9 forces to which this section applies, including all health care
10 required to cure or relieve the effects naturally resulting from a
11 compensable injury described by Subsection (a).

12 (c) The division shall accelerate, under rules adopted by
13 the commissioner of workers' compensation, a contested case hearing
14 requested by or an appeal submitted by a member of the Texas
15 military forces to which this section applies regarding the denial
16 of a claim for medical benefits, including all health care required
17 to cure or relieve the effects naturally resulting from a
18 compensable injury described by Subsection (a). The member shall
19 provide notice to the division and independent review organization
20 that the contested case or appeal involves a member of the Texas
21 military forces.

22 Sec. 501.029. INTENT OF EXPEDITED PROVISION OF MEDICAL
23 BENEFITS FOR CERTAIN INJURIES SUSTAINED BY CERTAIN MEMBERS OF TEXAS
24 MILITARY FORCES. The purpose of Section 501.028 is to ensure that a
25 claim for medical benefits by an injured member of the Texas
26 military forces to which this section applies is accelerated by an
27 insurance carrier to the full extent authorized by current law.

1 SECTION 10. (a) The changes in law made by this Act to
2 Chapter 615, Government Code, relating to the death of a member of
3 the Texas military forces applies only to a death that occurs on or
4 after the effective date of this Act. For purposes of that chapter,
5 the death of a member of the Texas military forces that occurs
6 before the effective date of this Act is governed by the law in
7 effect on the date the death occurred, and the former law is
8 continued in effect for that purpose.

9 (b) The changes in law made by this Act relating to a claim
10 for workers' compensation benefits by a member of the Texas
11 military forces apply only to a claim for workers' compensation
12 benefits based on a compensable injury that occurs on or after the
13 effective date of this Act. A claim based on a compensable injury
14 that occurs before that date is governed by the law in effect on the
15 date that the compensable injury occurred, and the former law is
16 continued in effect for that purpose.

17 SECTION 11. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 90 was passed by the House on April 12, 2023, by the following vote: Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 90 on May 24, 2023, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 90 was passed by the Senate, with amendments, on May 19, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor