

By: Leo-Wilson

H.B. No. 434

A BILL TO BE ENTITLED

AN ACT

relating to the provision of financial assistance to survivors of certain members of the Texas military forces.

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

SECTION 1. Section 615.003, Government Code, is amended to read as follows:

Sec. 615.003. APPLICABILITY. This chapter applies only to eligible survivors of the following individuals:

(1) an individual:

(A) elected, appointed, or employed as a peace officer by the state or a political subdivision of the state under Article 2.12, Code of Criminal Procedure, or other law; or

(B) employed as a peace officer by a private institution of higher education, including a private junior college, that is located in this state under Section 51.212, Education Code;

(2) a paid probation officer appointed by the director of a community supervision and corrections department who has the duties set out in Section 76.002 and the qualifications set out in Section 76.005, or who was appointed in accordance with prior law;

(3) a parole officer employed by the Texas Department of Criminal Justice who has the duties set out in Section 508.001 and the qualifications set out in Section 508.113 or in prior law;

(4) a paid jailer;

1 (5) a member of an organized police reserve or
2 auxiliary unit who regularly assists peace officers in enforcing
3 criminal laws;

4 (6) a member of the class of employees of the
5 correctional institutions division formally designated as
6 custodial personnel under Section 615.006 by the Texas Board of
7 Criminal Justice or its predecessor in function;

8 (7) a jailer or guard of a county jail who is appointed
9 by the sheriff and who:

10 (A) performs a security, custodial, or
11 supervisory function over the admittance, confinement, or
12 discharge of prisoners; and

13 (B) is certified by the Texas Commission on Law
14 Enforcement;

15 (8) a juvenile correctional employee of the Texas
16 Juvenile Justice Department;

17 (9) an employee of the Health and Human Services
18 Commission [~~Department of Aging and Disability Services or~~
19 ~~Department of State Health Services~~] who:

20 (A) works at the commission's [~~department's~~]
21 maximum security unit; or

22 (B) performs on-site services for the Texas
23 Department of Criminal Justice;

24 (10) an individual who is employed by the state or a
25 political or legal subdivision and is subject to certification by
26 the Texas Commission on Fire Protection;

27 (11) an individual employed by the state or a

political or legal subdivision whose principal duties are aircraft crash and rescue fire fighting;

(12) a member of an organized volunteer fire-fighting unit that:

(A) renders fire-fighting services without remuneration; and

(B) conducts a minimum of two drills each month, each two hours long;

(13) an individual who:

(A) performs emergency medical services or operates an ambulance;

(B) is employed by a political subdivision of the state or is an emergency medical services volunteer as defined by Section 773.003, Health and Safety Code; and

(C) is qualified as an emergency care attendant or at a higher level of training under Section 773.046, 773.047, 773.048, 773.049, or 773.0495, Health and Safety Code;

(14) an individual who is employed or formally designated as a chaplain for:

(A) an organized volunteer fire-fighting unit or other fire department of this state or of a political subdivision of this state;

(B) a law enforcement agency of this state or of a political subdivision of this state; or

(C) the Texas Department of Criminal Justice;

(15) an individual who is employed by the state or a political subdivision of the state and who is considered by the

1 governmental employer to be a trainee for a position otherwise
2 described by this section;

3 (16) an individual who is employed by the Department
4 of Public Safety and, as certified by the director, is:

5 (A) deployed into the field in direct support of
6 a law enforcement operation, including patrol, investigative,
7 search and rescue, crime scene, on-site communications, or special
8 operations; and

9 (B) given a special assignment in direct support
10 of operations relating to organized crime, criminal interdiction,
11 border security, counterterrorism, intelligence, traffic
12 enforcement, emergency management, regulatory services, or special
13 investigations; ~~or~~

14 (17) an individual who is employed by the Parks and
15 Wildlife Department and, as certified by the executive director of
16 the Parks and Wildlife Department, is:

17 (A) deployed into the field in direct support of
18 a law enforcement operation, including patrol, investigative,
19 search and rescue, crime scene, on-site communications, or special
20 operations; and

21 (B) given a special assignment in direct support
22 of operations relating to organized crime, criminal interdiction,
23 border security, counterterrorism, intelligence, traffic
24 enforcement, emergency management, regulatory services, or special
25 investigations; or

26 (18) a member of the Texas military forces who is on
27 state active duty, as those terms are defined by Section 437.001.

1 SECTION 2. (a) The change in law made by this Act relating
2 to the death of a member of the Texas military forces applies only
3 in relation to a death that occurs on or after the effective date of
4 this Act. Matters regarding eligibility, payment, and benefits
5 under Chapter 615, Government Code, in relation to a death that
6 occurs before the effective date of this Act are governed by the law
7 in effect on the date the death occurs, and the former law is
8 continued in effect for that purpose.

9 (b) Notwithstanding Subsection (a) of this section, the
10 change in law made by this Act applies in relation to the death of a
11 member of the Texas military forces that occurs on or after May 31,
12 2021, if the member died while serving on state active duty as a
13 result of the disaster declaration issued by the governor under
14 Section 418.014, Government Code, relating to a surge of
15 individuals unlawfully crossing the Texas-Mexico border.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2023.