

By: Hinojosa

S.B. No. 1436

A BILL TO BE ENTITLED

AN ACT

relating to the investigation of municipal fire fighters in certain municipalities.

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

SECTION 1. Section 614.021(b), Government Code, is amended to read as follows:

(b) Except as provided by Section 614.024, this ~~[This]~~ subchapter does not apply to a peace officer or fire fighter appointed or employed by a political subdivision that is covered by a meet and confer or collective bargaining agreement under Chapter 143 or 174, Local Government Code, if that agreement includes provisions relating to the investigation of, and disciplinary action resulting from, a complaint against a peace officer or fire fighter, as applicable.

SECTION 2. Section 614.023(a), Government Code, is amended to read as follows:

(a) A copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state shall be given to the officer or employee:

(1) within a reasonable time after the complaint is filed; or

(2) for a municipal fire fighter, in accordance with procedures applicable under Section 614.024.

SECTION 3. Subchapter B, Chapter 614, Government Code, is amended by adding Section 614.024 to read as follows:

Sec. 614.024. INVESTIGATION OF MUNICIPAL FIRE FIGHTERS REQUIRED IN CERTAIN MUNICIPALITIES. (a) In this section:

(1) "Fire fighter" means a paid employee of a municipal fire department.

(2) "Investigation" means an administrative investigation conducted by a municipality of alleged misconduct by a fire fighter that could result in punitive action against the fire fighter.

(3) "Punitive action" means a disciplinary suspension, indefinite suspension, demotion in rank, reprimand, or any combination of those actions.

(b) This section applies only to a municipality with a population of 10,000 or more.

(c) Notwithstanding Section 614.021(b), this section applies to a fire fighter employed by a municipality regardless of whether the municipality is covered by a meet and confer or collective bargaining agreement under Chapter 143 or 174, Local Government Code.

(d) This section supersedes a conflicting provision in a meet and confer or collective bargaining agreement.

(e) A meet and confer or collective bargaining agreement under Chapter 143 or 174, Local Government Code, may impose requirements for investigations in addition to those provided in Section 143.123 or Sections 143.312(a)-(k), Local Government Code, that do not conflict with the requirements of those sections.

1        (f) In addition to the requirements of Section 614.023, a  
2 municipality may not take punitive action against a fire fighter  
3 unless an investigation has been conducted in accordance with:

4            (1) Section 143.123 or Sections 143.312(a)-(k), Local  
5 Government Code, or other applicable law, including the  
6 requirements adopted under Subsection (g), if applicable; and

7            (2) any additional requirements imposed by a meet and  
8 confer or collective bargaining agreement under Chapter 143 or 174,  
9 Local Government Code.

10        (g) A municipality to which Section 143.123 or 143.312,  
11 Local Government Code, or another substantially similar  
12 investigation requirement does not apply shall adopt and comply  
13 with:

14            (1) procedures substantially identical to those  
15 required by Sections 143.312(a)-(k), Local Government Code; and

16            (2) any additional procedures or requirements imposed  
17 by a meet and confer or collective bargaining agreement under  
18 Chapter 143 or 174, Local Government Code.

19        SECTION 4. (a) Section 614.024, Government Code, as added  
20 by this Act, applies only to an investigation, as that term is  
21 defined by that section, initiated by a municipality on or after the  
22 effective date of this Act.

23        (b) Section 614.024(d), Government Code, as added by this  
24 Act, applies only to an agreement entered into on or after the  
25 effective date of this Act.

26        SECTION 5. This Act takes effect September 1, 2023.