

BILL ANALYSIS

Senate Research Center
78R5576 KEG-F

S.B. 1114
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Criminal Justice
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As Filed

DIGEST AND PURPOSE

Section 411.0077 of the Government Code requires the Texas Department of Public Safety (DPS) to promulgate reasonable guidelines relating to acceptable off-duty employment by its commissioned officers. It has been DPS's practice to deny secondary employment, usually for a period of six months, to any officer who is placed on disciplinary probation. As proposed, S.B. 1114 requires the guidelines to be uniformly applied to all supervisory and nonsupervisory commissioned officers. This bill also prohibits DPS from using an officer's probationary status as the sole reason for denying approval of the officer's proposed secondary employment.

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. Amends Section 411.0077, Government Code, by amending Subsections (b) and (c) and adding Subsections (b-1) and (d), as follows:

(b) Requires the guidelines to be uniformly applied to all supervisory and nonsupervisory commissioned officers.

(b-1) Requires the director or the director's designee to promptly notify the officer in writing of the specific guideline adopted under Subsection (b) on which the Texas Department of Public Safety's (DPS) decision is based, if DPS denies approval of a commissioned officer's secondary employment or proposed secondary employment. Requires the notice to explain why the secondary employment or proposed secondary employment is prohibited by the referenced guideline.

(c) Provides that if a commissioned officer is engaged in off-duty employment that the officer believes, in good faith, is not prohibited by a specific guideline adopted under Subsection (b), the officer is authorized to engage in the off-duty employment until the director or the director's designee informs the officer in writing that the employment is not acceptable.

(d) Prohibits DPS from denying approval of an officer's secondary employment or proposed secondary employment, or adopt a guideline under Subsection (b) allowing DPS to deny approval of an officer's secondary employment or proposed secondary employment, solely in response to official disciplinary action taken against the officer.

SECTION 2. Effective date: September 1, 2003.

Makes application of this Act prospective.