

BILL ANALYSIS

Senate Research Center

H.B. 1428
By: Isett et al. (Seliger)
State Affairs
5/18/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current regulations, a state law enforcement officer injured in the line of duty must exhaust accrued sick days and compensatory time before going on worker's compensation. The depleted sick leave days can no longer be used for illness or for early retirement later in the officer's career.

H.B. 1428, the Peace Officer Protection Act, entitles certain peace officers to injury leave without being required to use generated compensatory time and without salary deductions for injuries resulting from assaultive offenses that occur during the course of performing their duties. H.B. 1428 also ensures that injured officers can receive workers' compensation benefits while on injury leave. The Act applies to Department of Public Safety officers, game wardens, and Texas Alcoholic Beverage Commission investigators.

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. Authorizes this Act to be cited as the Peace Officer Protection Act.

SECTION 2. Amends Subchapter Z, Chapter 661, Government Code, by adding Section 661.918, as follows:

Sec. 661.918. INJURY LEAVE FOR CERTAIN PEACE OFFICERS. (a) Provides that this section applies to a peace officer under Article 2.12, Code of Criminal Procedure, who is commissioned as a law enforcement officer or agent, including a ranger, by certain authorities.

(b) Entitles a peace officer to whom this section applies to injury leave, without a deduction in salary, without being required to use compensatory time off and without being required to use any other type of leave allowable under this chapter, for an injury resulting from an assaultive offense to which the person is exposed because of the nature of the person's duties and that occurs during the course of the person's performance of duty. Provides that for the purposes of this section, the course of performance of a person's duty does not include transportation to or from the person's designated headquarters or the site of an assignment.

(c) Requires a person, to be eligible for injury leave under this section, to submit to the person's employer evidence of a medical examination and a recommendation for a specific period of leave from a physician licensed to practice in this state.

(d) Provides that the maximum amount of leave available under this section for all injuries occurring at one time is one year.

(e) Authorizes a person to simultaneously be on injury leave under this section and receive workers' compensation medical benefits under Title 5, Labor Code. Provides that said person is not eligible for disability retirement benefits under

Chapter 814 (Benefits) during the leave period. Entitles a person to workers' compensation indemnity benefits which accrue pursuant to Title 5, Labor Code, after the discontinuation or exhaustion of injury leave under this section.

SECTION 3. Makes application of Section 661.918, Government Code, as added by this Act, retroactive to December 1, 2004.

SECTION 4. Effective date: upon passage or September 1, 2005.