

BILL ANALYSIS

Senate Research Center
81R6149 JSC-F

H.B. 1960
By: Maldonado et al. (Lucio)
Intergovernmental Relations
5/11/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires a police officer or firefighter to be paid for any required court appearance during off duty hours. However, the law does not require these employees to be paid for required appearances at administrative proceedings. Public safety employees routinely are required to attend proceedings that are not related to a criminal or civil suit. For example, a police officer might be required to appear at a hearing appealing the decision of the officer to tow a vehicle. Other proceedings include hearings to suspend a driver's license or issuance of a permit, such as an alcoholic beverage permit.

H.B. 1960 amends current law relating to the payment for an appearance as a witness for certain peace officers and firefighters.

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 the heading to Section 142.009, Local Government Code, to read as follows:

Sec. 142.009. PAYMENT FOR APPEARANCES OF FIRE FIGHTERS AND POLICE OFFICERS IN COURT OR ADMINISTRATIVE PROCEEDINGS.

SECTION 2. Amends Section 142.009(a), Local Government Code, to require a municipality to pay a fire fighter or police officer for an appearance as a witness in a criminal suit, a civil suit, or an administrative proceeding in which the municipality or other political subdivision or government agency is a party in interest if the appearance is required, is made on time off, and is made by the fire fighter or police officer in the capacity of a fire fighter or police officer. Makes a nonsubstantive change.

SECTION 3. Amends Subchapter Z, Chapter 157, Local Government Code, by adding Section 157.906, as follows:

Sec. 157.906. PAYMENT FOR APPEARANCES OF PEACE OFFICERS EMPLOYED BY COUNTY IN COURT OR ADMINISTRATIVE PROCEEDINGS. (a) Requires a county to pay a peace officer employed by the county for an appearance as a witness in a criminal suit, a civil suit, or an administrative proceeding in which the county or other political subdivision or government agency is a party in interest if the appearance is required, is made on time off, and is made by the peace officer in the capacity of a peace officer.

(b) Provides that payment under this section is at the peace officer's regular rate of pay.

(c) Authorizes payment under this section to be taxed as court costs in civil suits.

(d) Provides that this section does not reduce or prohibit compensation paid in excess of the regular rate of pay.

SECTION 4. Effective date: upon passage or September 1, 2009.