

## **BILL ANALYSIS**

S.B. 484  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Servicemembers Civil Relief Act (SCRA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA) are federal laws that provide several protections for military members as they enter active duty. Specifically, SCRA provides members with relief from certain civil obligations while on active military duty and USERRA prohibits all employers from discriminating against employees that leave to serve in the military and requires the employer to reinstate the employee if the absence is five years or less. Current Texas law states that members of the Texas military forces are entitled to these same protections. However, there is no provision in statute to enforce the measure. S.B. 484 provides for the enforcement of SCRA and USERRA protections for Texas military forces members when ordered to state active duty or training by the governor, the adjutant general, or another proper authority as well as the right to civil action and private legal counsel in the event of denied protection or benefits under those laws.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 484 amends the Government Code to authorize a service member of the Texas military forces who is ordered to state active duty or to state training and other duty by the governor, the adjutant general, or another proper authority and entitled under state law to certain benefits and protections to retain private legal counsel to file a civil action in a district court in Texas if the service member is aggrieved by a violation of or is denied a benefit or protection guaranteed under:

- statutory provisions relating to entitlement to reemployment and benefits of an employee who is a service member of the Texas military forces and called to training or duty;
- applicable provisions of the federal Uniformed Services Employment and Reemployment Rights Act; or
- applicable provisions of the federal Servicemembers Civil Relief Act.

S.B. 484 authorizes the court to award to a service member who prevails in such an action any appropriate declaratory or equitable relief, costs of the action and reasonable attorney's fees, and other appropriate relief, including monetary damages.

S.B. 484 expressly does not limit any remedy or relief available to a service member under other law, including:

- the authorization for a person to file a complaint with the Texas Workforce Commission civil rights division or another remedy or relief available under applicable statutory provisions governing the Texas Military Department; or
- consequential and punitive damages.

S.B. 484 applies to a service member of the Texas military forces ordered to state active duty or state training and other duty by the governor, the adjutant general, or another proper authority under Texas law on or after the bill's effective date, regardless of whether the date the person was initially ordered to state active duty or state training and other duty was before the bill's effective date.

**EFFECTIVE DATE**

September 1, 2021.