

(The House considered SB 687 by Hegar, the Senate companion bill, in lieu of HB 1490, the House version of the bill, which had been set on the daily calendar and was analyzed by the House Research Organization. The bill subsequently was enacted as SB 687.)

HOUSE		HB 1490
RESEARCH		Driver, Menendez
ORGANIZATION bill analysis	5/6/2009	(CSHB 1490 by Merritt)

SUBJECT: Leave for state peace officers injured in the line of duty

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 8 ayes — Merritt, Frost, Burnam, Driver, P. King, Mallory Caraway, Rodriguez, Vo

0 nays

1 absent — Lewis

WITNESSES: For — Clay Taylor, Department of Public Safety Officers' Association

Against — None

On — Ron Joy, Texas Department of Public Safety (DPS)

BACKGROUND: Government Code, sec. 661.918 outlines provisions for injury leave for peace officers who are commissioned as a law enforcement officer or agent, including a ranger, by:

- the Public Safety Commission;
- the Parks and Wildlife Commission; or
- the Texas Alcoholic Beverage Commission.

These peace officers are entitled to injury leave, without a deduction in salary, or without being required to use accrued compensatory time or any other type of leave, for an injury from an assaultive offense as identified in Penal Code, ch. 22, that occurs because of the nature of the officer's duties and that occurs during the course of the person's performance of duty. Performance of duty does not include transportation between the officer's designated headquarters or the site of an assignment.

DIGEST: CSHB 1490 would amend Government Code, sec. 661.918 by changing when an eligible peace officer would be entitled to injury leave. The bill

would remove the requirement of injury from assaultive offense and instead allow leave for injury of peace officers sustained due to the nature of their duties and that occurs during the course of performing their duty, except if the injury:

- was a result of the officer's own gross negligence; or
- was related to the performance of routine office duties.

The bill would remove the provision that an officer's performance of duty not include transportation between designated headquarters or the site of an assignment. These changes would apply only to injuries occurring on or after January 1, 2009.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 1490 would provide to peace officers employed by the state injury leave when injured in the line of duty. Currently, officers are receiving injuries that are not covered under "assaultive offense" as defined by Penal Code, ch. 22, including injuries sustained from the physical requirements of the position. Due to this oversight, officers must use sick leave and possibly go on workers' compensation to recuperate for injuries received in the line of duty.

Texas has a responsibility to look after the health of its officers. An officer's duties are physical by nature, so a game warden who injures a knee by jumping between boats, or a DPS officer who is injured during a foot chase, should be allowed time to recuperate without draining other leave resources. Additionally, the bill would allow officers access to injury leave who, in the line of duty, are hit by a drunk driver.

The bill also would provide necessary protection against claims from injuries unrelated to the performance duty.

**OPPONENTS
SAY:**

CSHB 1490 would be strengthened by providing clear guidelines for what gross negligence and routine office duties might entail, which would avoid unnecessary administrative costs.

NOTES:

The bill as filed added that a peace officer receiving injury resulting from intoxication assault would be entitled to injury leave.

The Senate companion bill, SB 687 by Hager, passed the Senate by 31-0 on the Local and Uncontested Calendar on March 19 and was reported favorably, as substituted, by the House Public Safety Committee on April 27, making it eligible to be considered in lieu of HB 1490.