

1-1 By: Hinojosa S.B. No. 1355  
 1-2 (In the Senate - Filed March 11, 2015; March 18, 2015, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 May 12, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0; May 12, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1355 By: Whitmire

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to compensation and leave for certain peace officers.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. Subchapter A, Chapter 5, Alcoholic Beverage  
 1-22 Code, is amended by adding Section 5.21 to read as follows:  
 1-23 Sec. 5.21. DONATION OF ACCRUED COMPENSATORY TIME OR ACCRUED  
 1-24 ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The administrator  
 1-25 shall allow a peace officer employed by the commission to  
 1-26 voluntarily transfer to a legislative leave pool up to eight hours  
 1-27 of compensatory time or annual leave per year earned by the peace  
 1-28 officer.  
 1-29 (b) The administrator or the administrator's designee shall  
 1-30 administer the legislative leave pool.  
 1-31 (c) The commission shall adopt rules and prescribe  
 1-32 procedures relating to the operation of the legislative leave pool.  
 1-33 (d) The administrator or the administrator's designee shall  
 1-34 credit the legislative leave pool with the amount of time  
 1-35 contributed by a peace officer and deduct a corresponding amount of  
 1-36 time from the peace officer's earned compensatory time or annual  
 1-37 leave as if the peace officer had used the time for personal  
 1-38 purposes.  
 1-39 (e) A peace officer is entitled to use time contributed to  
 1-40 the legislative leave pool if the peace officer uses the time for  
 1-41 legislative leave on behalf of a law enforcement association of at  
 1-42 least 50 active or retired members governed by a board of directors.  
 1-43 (f) The administrator or the administrator's designee shall  
 1-44 transfer time from the pool to the peace officer and credit the time  
 1-45 to the peace officer.  
 1-46 (g) A peace officer may only withdraw time from the  
 1-47 legislative leave pool in coordination with and with the consent of  
 1-48 the president or designee of the law enforcement association  
 1-49 described in Subsection (e). A peace officer may not draw more than  
 1-50 80 hours from the pool in a 160-hour work cycle and may not draw more  
 1-51 than 480 hours from the pool in a fiscal year.  
 1-52 (h) A peace officer shall use time from the legislative  
 1-53 leave pool in accordance with rules adopted by the commission.  
 1-54 SECTION 2. Section 402.009, Government Code, is amended to  
 1-55 read as follows:  
 1-56 Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE  
 1-57 OFFICERS. (a) The attorney general may employ and commission  
 1-58 peace officers as investigators for the limited purpose of  
 1-59 assisting the attorney general in carrying out the duties of that  
 1-60 office relating to prosecution assistance and crime prevention.

2-1 (b) The attorney general shall ensure that a commissioned  
2-2 peace officer employed as authorized under Subsection (a) is  
2-3 compensated according to Schedule C of the position classification  
2-4 salary schedule prescribed by the General Appropriations Act.

2-5 SECTION 3. Section 659.301(5), Government Code, is amended  
2-6 to read as follows:

2-7 (5) "State employee" means an individual who:

2-8 (A) is a commissioned law enforcement officer of  
2-9 the Department of Public Safety, the Texas Facilities Commission,  
2-10 the Texas Alcoholic Beverage Commission, ~~or~~ the Texas Department  
2-11 of Criminal Justice, or the attorney general;

2-12 (B) is a commissioned security officer of the  
2-13 comptroller;

2-14 (C) is a law enforcement officer commissioned by  
2-15 the Parks and Wildlife Commission;

2-16 (D) is a commissioned peace officer of an  
2-17 institution of higher education;

2-18 (E) is an employee or official of the Board of  
2-19 Pardons and Paroles or the parole division of the Texas Department  
2-20 of Criminal Justice if the employee or official has routine direct  
2-21 contact with inmates of any penal or correctional institution or  
2-22 with administratively released prisoners subject to the board's  
2-23 jurisdiction;

2-24 (F) has been certified to the Employees  
2-25 Retirement System of Texas under Section 815.505 as having begun  
2-26 employment as a law enforcement officer or custodial officer,  
2-27 unless the individual has been certified to the system as having  
2-28 ceased employment as a law enforcement officer or custodial  
2-29 officer; or

2-30 (G) before May 29, 1987, received hazardous duty  
2-31 pay based on the terms of any state law if the individual holds a  
2-32 position designated under that law as eligible for the pay.

2-33 SECTION 4. Section 661.918(a), Government Code, is amended  
2-34 to read as follows:

2-35 (a) This section applies to a peace officer under Article  
2-36 2.12, Code of Criminal Procedure, who is commissioned as a law  
2-37 enforcement officer or agent, including a ranger, by:

2-38 (1) the Public Safety Commission and the director of  
2-39 the Department of Public Safety;

2-40 (2) the Parks and Wildlife Commission; ~~or~~

2-41 (3) the Texas Alcoholic Beverage Commission; or

2-42 (4) the attorney general.

2-43 SECTION 5. Subchapter B, Chapter 11, Parks and Wildlife  
2-44 Code, is amended by adding Section 11.0183 to read as follows:

2-45 Sec. 11.0183. DONATION OF ACCRUED COMPENSATORY TIME OR  
2-46 ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The director  
2-47 shall allow a peace officer employed by the department to  
2-48 voluntarily transfer to a legislative leave pool up to eight hours  
2-49 of compensatory time or annual leave per year earned by the peace  
2-50 officer.

2-51 (b) The director or the director's designee shall  
2-52 administer the legislative leave pool.

2-53 (c) The commission shall adopt rules and prescribe  
2-54 procedures relating to the operation of the legislative leave pool.

2-55 (d) The director or the director's designee shall credit the  
2-56 legislative leave pool with the amount of time contributed by a  
2-57 peace officer and deduct a corresponding amount of time from the  
2-58 peace officer's earned compensatory time or annual leave as if the  
2-59 peace officer had used the time for personal purposes.

2-60 (e) A peace officer is entitled to use time contributed to  
2-61 the legislative leave pool if the peace officer uses the time for  
2-62 legislative leave on behalf of a law enforcement association of at  
2-63 least 350 active or retired members governed by a board of  
2-64 directors.

2-65 (f) The director or the director's designee shall transfer  
2-66 time from the pool to the peace officer and credit the time to the  
2-67 peace officer.

2-68 (g) A peace officer may only withdraw time from the  
2-69 legislative leave pool in coordination with and with the consent of

3-1 the president or designee of the law enforcement association  
3-2 described in Subsection (e). A peace officer may not draw more than  
3-3 80 hours from the pool in a 160-hour work cycle and may not draw more  
3-4 than 480 hours from the pool in a fiscal year.

3-5 (h) A peace officer shall use time from the legislative  
3-6 leave pool in accordance with rules adopted by the commission.

3-7 SECTION 6. (a) The classification officer in the office of  
3-8 the state auditor shall classify the position of commissioned peace  
3-9 officer employed as an investigator by the Office of the Attorney  
3-10 General as a Schedule C position under the Texas Position  
3-11 Classification Plan, 1961.

3-12 (b) The change made by the classification officer as  
3-13 required by this section applies beginning in the state fiscal  
3-14 biennium beginning September 1, 2015.

3-15 (c) This section expires September 1, 2017.

3-16 SECTION 7. Section 661.918(a), Government Code, as amended  
3-17 by this Act, applies only to an injury that occurs on or after the  
3-18 effective date of this Act.

3-19 SECTION 8. This Act takes effect September 1, 2015.

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