

1-1 By: Nevárez, Canales (Senate Sponsor - Lucio) H.B. No. 2351
 1-2 (In the Senate - Received from the House May 3, 2017;
 1-3 May 5, 2017, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 17, 2017, reported favorably by
 1-5 the following vote: Yeas 4, Nays 0, 1 present not voting;
 1-6 May 17, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Lucio	X			
1-9 Bettencourt				X
1-10 Campbell			X	
1-11 Garcia	X			
1-12 Huffines	X			
1-13 Menéndez			X	
1-14 Taylor of Collin	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the investigation of fire fighters employed by certain
 1-19 municipalities.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 180, Local Government Code, is amended
 1-22 by adding Section 180.008 to read as follows:

1-23 Sec. 180.008. INVESTIGATION OF CERTAIN FIRE FIGHTERS
 1-24 REQUIRED. (a) In this section:

1-25 (1) "Fire fighter" means a paid employee of a
 1-26 municipal fire department who:

1-27 (A) holds a position that requires substantial
 1-28 knowledge of fire fighting;

1-29 (B) has met the requirements for certification by
 1-30 the Texas Commission on Fire Protection under Chapter 419,
 1-31 Government Code; and

1-32 (C) performs a function listed in Section
 1-33 143.003(4)(A).

1-34 (2) "Investigation" means an administrative
 1-35 investigation, conducted by a municipality, of alleged misconduct
 1-36 by a fire fighter that could result in punitive action against the
 1-37 fire fighter.

1-38 (3) "Punitive action" has the meaning assigned by
 1-39 Section 143.312.

1-40 (b) Except as provided by Subsection (d), Section 143.312
 1-41 applies to the investigation of a fire fighter conducted by a
 1-42 municipality, other than a municipality to which Section 143.123
 1-43 applies. For a municipality to which Chapter 143 does not apply, a
 1-44 violation of Section 143.312 may be considered as provided by
 1-45 Section 143.312(1) by the appropriate authority during any
 1-46 disciplinary appeal hearing provided by the municipality.

1-47 (c) Except as provided by Subsection (d), a municipality to
 1-48 which Subsection (b) applies may not take punitive action against a
 1-49 fire fighter unless an investigation has been conducted in
 1-50 substantial compliance with Section 143.312.

1-51 (d) This section does not apply to the investigation of a
 1-52 fire fighter that directly relates to the facts and circumstances
 1-53 of an offense for which the fire fighter has been convicted that:

1-54 (1) involves family violence, as defined by Section
 1-55 71.004, Family Code; and

1-56 (2) is punishable as a felony or Class A or Class B
 1-57 misdemeanor.

1-58 (e) To the extent that Subchapter B, Chapter 614, Government
 1-59 Code, applies and conflicts with this section, this section
 1-60 controls.

1-61 SECTION 2. Section 180.008, Local Government Code, as added

2-1 by this Act, applies only to an investigation of a fire fighter, as
2-2 those terms are defined by that section, initiated by a
2-3 municipality on or after the effective date of this Act.
2-4 SECTION 3. This Act takes effect September 1, 2017.

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