CHAPTER 1109

H.B. No. 3805

AN ACT
relating to the discharge of an officer or employee of the Department of Public Safety of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 411.007, Government Code, is amended by amending Subsections (e) and (f) and adding Subsections (e-1), (e-2), and (g) to read as follows:

(e) An officer or employee of the department may not be discharged without just cause. The director shall determine whether an officer or employee is to be discharged. A commissioned officer ordered discharged may appeal to the commission, and during the appeal the officer shall be suspended without pay.

(e-1) Except as provided by Subsection (g), the department may not discharge, suspend, or demote a commissioned officer except for the violation of a specific commission rule. If the department discharges, suspends, or demotes the officer, the department shall deliver to the officer a written statement giving the reasons for the action taken. The written statement must point out each commission rule alleged to have been violated by the officer and must describe the alleged acts of the officer that the department contends are in violation of the commission rules.

(e-2) The commission shall establish necessary policies and procedures for the appointment, promotion, reduction, suspension, and discharge of all employees.

(f) A discharged commissioned officer is entitled, on application to the commission, to a public hearing before the commission, who shall affirm or set aside the discharge. The commission shall affirm or set aside a discharge on the basis of the evidence presented. If the commission affirms the discharge, the discharged officer may seek judicial review, not later than the 90th day after the date the commission affirms the discharge, in a district court under the substantial evidence standard of review, and the officer remains suspended without pay while the case is under judicial review.

(g) A noncommissioned employee inducted into the service of the department is on probation for the first one year of service, and an officer is on probation from the date the officer is commissioned. At any time during the probationary period, an officer or employee may be discharged if the director, with the advice and consent of the commission, finds the officer or employee to be unsuitable for the work.

SECTION 2. Section 411.007, Government Code, as amended by this Act, applies only to an officer or employee of the Department of Public Safety of the State of Texas who is discharged on or after the effective date of this Act. An officer or employee discharged before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on May 7, 2013: Yeas 139, Nays 0, 2 present, not voting; passed by the Senate on May 21, 2013: Yeas 22, Nays 9.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1110

H.B. No. 3831

AN ACT
relating to the designation of a portion of State Highway 358 as the Peace Officers Memorial Highway.