

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 850
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Criminal Justice
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Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, very few state or local government entities are required to provide disability insurance to their peace officers. C.S.S.B. 850 entitles certain peace officers who are totally disabled in the line of duty due to a criminal act to a disability income and sets forth provisions for the determination and payment of such income.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the attorney general and the comptroller of public accounts in SECTION 2(Section 56.542, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act be known as the Bill Biles Law.

SECTION 2. Amends Chapter 56B, Code of Criminal Procedure, by adding Article 56.542, as follows:

Art. 56.542. PAYMENTS FOR CERTAIN DISABLED PEACE OFFICERS. (a) Defines “peace officer.”

(b) Provides that if a peace officer employed by the state or a local government entity in this state sustains an injury as a result of criminally injurious conduct on or after September 1, 1989, in the performance of the officer’s duties as a peace officer and presents evidence satisfactory to the attorney general that the officer’s condition is a total disability resulting in permanent incapacity for work and that the total disability has persisted for more than 12 months, the officer is entitled to a certain annual payment.

(c) Provides that the amount of payment under Subsection (b) is subject to an annual cost of living adjustment computed by the attorney general. Requires the attorney general to compute the amount of the cost of living adjustment by multiplying the amount of the annual payment received by the peace officer under this section during the previous year times the increase during the previous calendar year of a certain measured percentage.

(d) Requires the attorney general to compute the amount of an initial payment based on a injury suffered after September 1, 1989, in a certain specific manner.

(e) Requires a peace officer, to receive a payment under this section, to furnish to the attorney general certain information.

(f) Authorizes the attorney general to either approve the application without a hearing or to conduct a hearing under Article 56.40. Provides that the decision of the attorney general is subject to judicial review under Article 56.48.

(g) Authorizes the attorney general to appoint a panel of physicians to periodically review each application for assistance under this article to ensure the validity of the application and the necessity of continued assistance to the peace officer.

(h) Requires the attorney general to notify the comptroller of the attorney general's determination that a claim under this section is valid and justifies payment. Requires the comptroller, on receipt of the notice, to issue a warrant to or in behalf of the claimant in the proper amount from amounts in the compensation to victims of crime fund. Provides that a payment under this section to or in behalf of a peace officer is payable as soon as possible after the attorney general notifies the comptroller.

(i) Requires the attorney general and the comptroller to adopt by rule a memorandum of understanding to establish procedures under which annual payments continue to a peace officer until continued assistance is no longer necessary.

(j) Provides that Article 56.37 does not apply to the filing of an application under this article. Provides that other provisions of this chapter apply to this article to the extent applicable and consistent with this article.

(k) Provides that the limits on compensation imposed by Article 56.42 do not apply to payments made under this article. Prohibits the total aggregate amount of all annual payments made to an individual peace officer under this section from exceeding \$200,000.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. No change.

SECTION 2. Differs from the original in proposed Article 56.542(b) by adding the consideration of settlements related to the injury or disability to the calculation of the annual payment. Adds a provision to proposed Article 56.542(k) that caps the total aggregate amount of all annual payments made to an individual peace officer under these provisions at \$200,000.

SECTION 3. No change.