

CHAPTER 893

S.B. No. 784

AN ACT

relating to procedures for certain employment matters concerning sheriff's department employees of certain counties.

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

SECTION 1. Section 158.035, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) In a county with a population of 2.8 million or more, at least three commissioners shall preside at the hearing and vote on the commission's final decision in any case involving termination, demotion, or recovery of back pay.

SECTION 2. Subchapter B, Chapter 158, Local Government Code, is amended by adding Section 158.0351 to read as follows:

Sec. 158.0351. PROCEDURES AFTER FELONY INDICTMENT OR MISDEMEANOR COMPLAINT. (a) This section applies only to a county with a population of 2.8 million or more.

(b) If an employee is indicted for a felony or officially charged with the commission of a Class A or B misdemeanor, the sheriff may temporarily suspend the person with or without pay for a period not to exceed 30 days after the date of final disposition of the specified felony indictment or misdemeanor complaint.

(c) *The sheriff shall notify the suspended employee in writing that the person is being temporarily suspended for a specific period with or without pay and that the temporary suspension is not intended to reflect an opinion on the merits of the indictment or complaint.*

(d) *An employee indicted for a felony or officially charged with the commission of a Class A or B misdemeanor who has also been charged by the sheriff with a civil service rule violation directly related to the indictment or complaint may delay the civil service hearing for not more than 30 days after the date of the final disposition of the indictment or complaint.*

(e) *If the sheriff temporarily suspends an employee under this section and the employee is not found guilty as charged in the indictment or complaint in a court of competent jurisdiction, the employee may appeal to the commission for recovery of back pay. The commission may:*

(1) *award all or part of the back pay, even if the employee is a deputy sheriff whose appointment as a deputy was revoked under Section 85.003(c); or*

(2) *modify or uphold the decision by the sheriff.*

(f) *Acquittal or dismissal of an indictment or a complaint does not mean that an employee has not violated a civil service rule and does not negate the charges that may have been or may be brought against the employee by the sheriff.*

(g) *Conviction of a felony is cause for dismissal, and conviction of a Class A or B misdemeanor may be cause for disciplinary action or dismissal.*

SECTION 3. The change in law made by Section 158.0351, Local Government Code, as added by this Act, applies only to an employee who is indicted for a felony, charged with the commission of a Class A or B misdemeanor, or charged with the violation of a civil service rule based on an act classified as a felony or a Class A or B misdemeanor on or after the effective date of this Act. An employee who is indicted for a felony, charged with a Class A or B misdemeanor, or charged with the violation of a civil service rule based on an act classified as a felony or a Class A or B misdemeanor before that date is covered by the law in effect when the employee was indicted or charged, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 21, 1993: Yeas 30, Nays 0; passed the House on May 21, 1993, by a non-record vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.