

AN ACT

relating to the requirement for a deputy sheriff, reserve deputy sheriff, deputy constable, or reserve deputy constable to take an official oath.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 85.003, Local Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), a [A] person appointed as a deputy, before beginning to perform the duties of office, must take and subscribe the official oath, which, together with the certificate of the officer administering the oath, must be endorsed on the appointment. The appointment and oath shall be deposited and recorded in the county clerk's office. A list of the appointments shall be posted in a conspicuous place in that office.

(b-1) A person reappointed as a deputy may continue to perform the duties of office before retaking the official oath. The deputy must retake the oath as soon as possible after being reappointed.

SECTION 2. Section 85.004, Local Government Code, is amended by amending Subsection (c) and adding Subsection (c-2) to read as follows:

(c) Except as provided by Subsection (c-1) or (c-2), a reserve deputy, before beginning to perform the duties of office

1 and at the time of appointment, must file an oath and execute and
2 file a bond in the amount of \$2,000 payable to the sheriff. The
3 oath and bond shall be filed with the county clerk.

4 (c-2) A person reappointed as a reserve deputy may continue
5 to perform the duties of office before retaking the official oath.
6 The reserve deputy must retake the oath as soon as possible after
7 being reappointed.

8 SECTION 3. Section 86.011(b), Local Government Code, is
9 amended to read as follows:

10 (b) Each deputy constable must qualify in the manner
11 provided for deputy sheriffs under Section 85.003.

12 SECTION 4. Section 86.012, Local Government Code, is
13 amended by amending Subsection (c) and adding Subsection (c-2) to
14 read as follows:

15 (c) Except as provided by Subsection (c-1), a reserve deputy
16 constable must take the official oath and must execute a bond in the
17 amount of \$2,000, payable to the constable. The oath and bond must
18 be filed with the county clerk of the county in which the
19 appointment is made. Except as provided by Subsection (c-2), the
20 [The] oath and bond must be given before the reserve deputy
21 constable's entry on duty and simultaneously with the officer's
22 appointment.

23 (c-2) A person reappointed as a reserve deputy constable may
24 continue to perform the duties of office before retaking the
25 official oath. The reserve deputy constable must retake the oath as
26 soon as possible after being reappointed.

27 SECTION 5. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 1049 was passed by the House on April 14, 2021, by the following vote: Yeas 145, Nays 2, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1049 was passed by the Senate on May 19, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor