

By: Meza, Bumgarner, et al.

H.B. No. 3264

A BILL TO BE ENTITLED

AN ACT

relating to the grounds for removal of county officers from office.

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

SECTION 1. Section 87.011, Local Government Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Intoxication" means the state of:

(A) having an alcohol concentration to qualify as intoxicated under Section 49.01(2), Penal Code; or

(B) not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body.

SECTION 2. Section 87.013, Local Government Code, is amended to read as follows:

Sec. 87.013. GENERAL GROUNDS FOR REMOVAL. (a) An officer may be removed for:

(1) incompetency;

(2) official misconduct; or

(3) intoxication on or off duty [~~caused by drinking an alcoholic beverage~~].

(b) Intoxication is not a ground for removal if it appears at the trial that the intoxication was caused by the use of a substance [~~drinking an alcoholic beverage~~] on the direction and

1 prescription of a licensed physician practicing in this state.

2           SECTION 3. The change in law made by this Act applies only  
3 to conduct that occurs on or after the effective date of this Act.  
4 Conduct that occurs before the effective date of this Act is  
5 governed by the law in effect on the date the conduct occurred, and  
6 the former law is continued in effect for that purpose.

7           SECTION 4. This Act takes effect September 1, 2023.