

1-1 By: Hinojosa S.B. No. 232
 1-2 (In the Senate - Filed November 15, 2022;
 1-3 February 15, 2023, read first time and referred to Committee on
 1-4 State Affairs; April 28, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 10, Nays 0;
 1-6 April 28, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 232 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the removal from office of an officer of a political
 1-24 subdivision for commission of certain criminal offenses.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Chapter 180, Local Government Code, is amended
 1-27 by adding Section 180.010 to read as follows:

1-28 Sec. 180.010. REMOVAL FOR CERTAIN CRIMINAL OFFENSES.

1-29 (a) In this section, "qualifying offense" means a criminal offense
 1-30 involving:

- 1-31 (1) bribery;
- 1-32 (2) theft of public money;
- 1-33 (3) perjury;
- 1-34 (4) coercion of public servant or voter;
- 1-35 (5) tampering with governmental record;
- 1-36 (6) misuse of official information;
- 1-37 (7) abuse of official capacity; or
- 1-38 (8) conspiracy or the attempt to commit any of the
 1-39 offenses described by this subsection.

1-40 (b) A person who holds an elected or appointed office of a
 1-41 political subdivision is automatically removed from and vacates the
 1-42 office on the earlier of the date the person:

- 1-43 (1) enters a plea of guilty or nolo contendere to a
 1-44 qualifying offense;
- 1-45 (2) receives deferred adjudication for a qualifying
 1-46 offense; or
- 1-47 (3) is convicted of a qualifying offense.

1-48 (c) The governing body of a political subdivision shall at
 1-49 the first regularly scheduled meeting of the governing body for
 1-50 which notice is required under Chapter 551, Government Code,
 1-51 following the date an officer of the political subdivision is
 1-52 removed from office under this section:

- 1-53 (1) order an election on the question of filling the
 1-54 vacancy to be held on the first day that allows sufficient time to
 1-55 comply with other requirements of law, if an election is required to
 1-56 fill the vacancy; or
- 1-57 (2) fill the vacancy in the manner provided by law, if
 1-58 an election is not required.

1-59 SECTION 2. Section 21.031(c), Local Government Code, is
 1-60 amended to read as follows:

2-1 (c) If the removed officer appeals the judgment, other than
2-2 for an offense to which Section 180.010 applies, the appeal
2-3 supersedes the order of removal unless the court that renders the
2-4 judgment finds that it is in the public interest to suspend the
2-5 removed officer pending the appeal. If the court finds that the
2-6 public interest requires suspension, the court shall suspend the
2-7 removed officer as provided by this subchapter.

2-8 SECTION 3. Section 87.032, Local Government Code, is
2-9 amended to read as follows:

2-10 Sec. 87.032. APPEAL; SUSPENSION. If the officer appeals
2-11 the judgment, other than for an offense to which Section 180.010
2-12 applies, the appeal supersedes the order of removal unless the
2-13 court that renders the judgment finds that it is in the public
2-14 interest to suspend the officer pending the appeal. If the court
2-15 finds that the public interest requires suspension, the court shall
2-16 suspend the officer as provided by this chapter.

2-17 SECTION 4. Section 180.010, Local Government Code, as added
2-18 by this Act, applies only to an officer of a political subdivision
2-19 who enters a plea of guilty or nolo contendere to, or receives
2-20 deferred adjudication for or is convicted of, a qualifying offense,
2-21 as that term is defined by that section, on or after the effective
2-22 date of this Act.

2-23 SECTION 5. This Act takes effect September 1, 2023.

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