

By: Hinojosa

S.B. No. 428

A BILL TO BE ENTITLED

1 AN ACT
2 relating to qualifications for a sheriff or constable or a
3 candidate for sheriff or constable.

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

5 SECTION 1. Sections [85.0011](#)(b) and (c), Local Government
6 Code, are amended to read as follows:

7 (b) A person is not eligible to serve as sheriff unless the
8 person:

9 (1) has a high school diploma or a high school
10 equivalency certificate; and

11 (2) either:

12 (A) holds an active permanent peace officer
13 license under Chapter [1701](#), Occupations Code; or

14 (B) is eligible to be licensed under Sections
15 [1701.309](#) and [1701.312](#), Occupations Code, obtains a license
16 described by Paragraph (A) within the time provided by Section
17 [1701.302](#)(a), Occupations Code, and:

18 (i) has a minimum of five years of
19 experience as a federal special investigator; or

20 (ii) is a military veteran with a minimum of
21 10 years of combined active duty or national guard service
22 experience.

23 (c) A person is not eligible to be a candidate for the office
24 of sheriff unless the person:

1 (1) holds an active permanent peace officer license
2 under Chapter [1701](#), Occupations Code; ~~[r]~~ or

3 (2) is a person described by Subsection (b)(2)(B)(i)
4 or (ii) and intends to obtain ~~[obtains]~~ a license described by
5 Subdivision (1) within the time provided by Section [1701.302\(a\)](#),
6 Occupations Code.

7 SECTION 2. Subchapter [A](#), Chapter [86](#), Local Government Code,
8 is amended by adding Section 86.0025 to read as follows:

9 Sec. 86.0025. QUALIFICATIONS FOR CONSTABLE OR CANDIDATE FOR
10 CONSTABLE. (a) In this section, "active duty," "federal special
11 investigator," and "military veteran" have the meanings assigned by
12 Section [85.0011](#).

13 (b) A person is not eligible to serve as constable unless
14 the person:

15 (1) has a high school diploma or a high school
16 equivalency certificate; and

17 (2) either:

18 (A) holds an active permanent peace officer
19 license under Chapter [1701](#), Occupations Code; or

20 (B) is eligible to be licensed under Sections
21 [1701.309](#) and [1701.312](#), Occupations Code, obtains a license
22 described by Paragraph (A) within the time provided by Section
23 [1701.302\(a\)](#), Occupations Code, and:

24 (i) has a minimum of five years of
25 experience as a federal special investigator; or

26 (ii) is a military veteran with a minimum of
27 10 years of combined active duty or national guard service

1 experience.

2 (c) A person is not eligible to be a candidate for the office
3 of constable unless the person:

4 (1) holds an active permanent peace officer license
5 under Chapter 1701, Occupations Code; or

6 (2) is a person described by Subsection (b)(2)(B)(i)
7 or (ii) and intends to obtain a license described by Subdivision (1)
8 within the time provided by Section 1701.302(a), Occupations Code.

9 SECTION 3. Section 1701.302(a), Occupations Code, is
10 amended to read as follows:

11 (a) Except as provided by Sections 85.0011(b)(2)(A) and
12 86.0025(b)(2)(A) [Section 85.0011], Local Government Code, an
13 officer, including a sheriff and constable, elected under the Texas
14 Constitution or a statute or appointed to fill a vacancy in an
15 elective office must obtain a license from the commission not later
16 than the second anniversary of the date the officer takes office.

17 SECTION 4. Section 86.0021, Local Government Code, is
18 repealed.

19 SECTION 5. The changes in law made by this Act do not apply
20 to a sheriff or constable serving a term that began before the
21 effective date of this Act. A sheriff or constable serving a term
22 that began before the effective date of this Act is governed for the
23 remainder of that term by the law as it existed immediately before
24 the effective date of this Act, and that law is continued in effect
25 for that purpose.

26 SECTION 6. This Act takes effect September 1, 2025.