

By: Ellis

H.B. No. 287

A BILL TO BE ENTITLED

AN ACT

relating to qualifications of a constable or sheriff.

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

SECTION 1. Section 85.0011, Local Government Code, is amended to read as follows:

Sec. 85.0011. QUALIFICATIONS. A person is not eligible to serve as sheriff unless the person:

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

(2) holds a permanent peace officer license [~~is eligible to be licensed~~] under Chapter 1701, Occupations [~~Section 415.058 and 415.059, Government~~] Code.

SECTION 2. Section 86.0021, Local Government Code, is amended to read as follows:

Sec. 86.0021. QUALIFICATIONS; REMOVAL. (a) A person is not eligible to serve as constable unless the person:

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

(2) holds a permanent peace officer license [~~is eligible to be licensed~~] under Chapter 1701, Occupations [~~Sections 415.058 and 415.059, Government~~] Code.

(b) On or before the [~~270th~~] day [~~after the date~~] a constable takes office, the constable shall provide, to the commissioners court of the county in which the constable serves,

1 evidence that the constable has been issued a permanent peace
2 officer license under Chapter 1701, Occupations [~~415, Government~~]
3 Code. A constable who fails to provide evidence of licensure under
4 this subsection or who fails to maintain a permanent license while
5 serving in office forfeits the office and is subject to removal in a
6 quo warranto proceeding under Chapter 66, Civil Practice and
7 Remedies Code.

8 ~~[(c) The license requirement of Subsection (b) supersedes~~
9 ~~the license requirement of Section 415.053, Government Code.]~~

10 SECTION 3. (a) This Act takes effect September 1, 2003.

11 (b) This Act does not apply to an officer serving a term that
12 began before the effective date of this Act.