

1-1 By: Madla S.B. No. 481  
1-2 (In the Senate - Filed February 13, 2003; February 19, 2003,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; April 3, 2003, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 3, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to qualifications of a constable or sheriff.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 85.0011, Local Government Code, is  
1-11 amended to read as follows:

1-12 Sec. 85.0011. QUALIFICATIONS. A person is not eligible to  
1-13 serve as sheriff unless the person:

1-14 (1) has a high school diploma or a high school  
1-15 equivalency certificate; and

1-16 (2) holds a permanent peace officer license [~~is~~  
1-17 ~~eligible to be licensed~~] under Chapter 1701 [~~Sections 1701.309 and~~  
1-18 ~~1701.312~~], Occupations Code.

1-19 SECTION 2. Section 86.0021, Local Government Code, is  
1-20 amended to read as follows:

1-21 Sec. 86.0021. QUALIFICATIONS; REMOVAL. (a) A person is  
1-22 not eligible to serve as constable unless the person:

1-23 (1) has a high school diploma or a high school  
1-24 equivalency certificate; and

1-25 (2) holds a permanent peace officer license [~~is~~  
1-26 ~~eligible to be licensed~~] under Chapter 1701 [~~Sections 1701.309 and~~  
1-27 ~~1701.312~~], Occupations Code.

1-28 (b) On or before the [~~270th~~] day [~~after the date~~] a  
1-29 constable takes office, the constable shall provide, to the  
1-30 commissioners court of the county in which the constable serves,  
1-31 evidence that the constable has been issued a permanent peace  
1-32 officer license under Chapter 1701, Occupations Code. A constable  
1-33 who fails to provide evidence of licensure under this subsection or  
1-34 who fails to maintain a permanent license while serving in office  
1-35 forfeits the office and is subject to removal in a quo warranto  
1-36 proceeding under Chapter 66, Civil Practice and Remedies Code.

1-37 [~~(c) The license requirement of Subsection (b) supersedes~~  
1-38 ~~the license requirement of Section 1701.302, Occupations Code.~~]

1-39 SECTION 3. (a) This Act takes effect September 1, 2003.

1-40 (b) This Act does not apply to an officer serving a term that  
1-41 began before the effective date of this Act.

1-42 \* \* \* \* \*