

By: Williams

S.B. No. 497

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications and removal of a constable.

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

SECTION 1. Sections 86.0021(a) and (b), Local Government Code, are amended to read as follows:

(a) A person is not eligible to serve as constable unless the person:

(1) has a bachelor's degree conferred by an institution of higher education accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board [~~high school diploma or a high school equivalency certificate~~]; or [~~and~~]

(2) holds an active permanent peace officer license [~~is eligible to be licensed~~] under Chapter 1701 [~~Sections 1701.309 and 1701.312~~], Occupations Code.

(b) On or before the 270th day after the date a constable who is eligible to serve as a constable under Subsection (a)(1) takes office or on the day a constable who is eligible to serve as a constable under Subsection (a)(2) takes office, the constable shall provide, to the commissioners court of the county in which the constable serves or is to serve, evidence that the constable holds an active [~~has been issued a~~] permanent peace officer license under Chapter 1701, Occupations Code. A constable who fails to provide evidence of licensure under this subsection or who fails to

1 maintain a permanent license while serving in office forfeits the
2 office and is subject to removal in a quo warranto proceeding under
3 Chapter 66, Civil Practice and Remedies Code. The judge of the
4 district court who removes a constable under this subsection may
5 appoint an eligible successor to serve the remainder of the
6 constable's term.

7 SECTION 2. The changes in law made by this Act to Section
8 86.0021, Local Government Code, do not apply to a constable serving
9 a term that began before the effective date of this Act. A
10 constable serving a term that began before the effective date of
11 this Act is governed for the remainder of that term by the
12 applicable law that existed immediately before the effective date
13 of this Act, and the prior law is continued in effect for that
14 purpose.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2005.