

BILL ANALYSIS

C.S.H.B. 2283
By: Chavez
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, deputy sheriffs commissions must be reissued anytime a new sheriff is elected and also serve at the pleasure of the elected sheriff under Section 85.003, Local Government Code. However, Chapter 158, Local Government Code creates a sheriff's civil service commission for counties with a population over 500,000 or more, and, under certain circumstances, also allows it for counties with a population of 200,000 or more. Civil Service provides a property right to those jobs covered by the law which means employees, in this case deputy sheriffs, can only be fired for cause. However, this conflicts with Section 85.003, Government Code.

C.S.H.B. 2283 will clarify the conflict in existing law by outlining that deputy sheriffs that are included in the coverage of a civil system created under Chapter 158 may only be suspended for a violation of a civil service rule adopted under that system.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2283 states deputy sheriffs that are included in the coverage of a civil system created under Chapter 158 may only be suspended for a violation of a civil service rule adopted under that system. It also strikes language that states the appointment of a deputy is revoked on indictment of the deputy for a felony.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill struck language that provided for the automatic revocation of the appointment of a deputy sheriff if the deputy was indicted for a felony. The substitute amends the current law to provide that the sheriff may revoke the appointment of a deputy on indictment of the deputy for a felony.