

BILL ANALYSIS

H.B. 1987
By: Harless
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, some constables in the state are serving civil process while off-duty and getting paid an additional fee for providing the service.

The purpose of this bill is to clarify official capacity responsibility for constables who receive civil process from Texas courts. As an elected official who is given the authority and responsibility under Texas statute to diligently serve and return all process given them, there should be no confusion that all process served by a constable is done in the constable's official capacity. There should be no separation of private and official capacity when authority and responsibility is given to the elected official under law and all fees collected for those activities are required to be processed through the county auditor or treasurer.

H.B. 1987 establishes that all civil process served by a constable at any time or place is presumed to be served in the constable's official capacity if under the law the constable may serve that process in the constable's official capacity.

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

H.B. 1987 amends the Local Government Code to establish that all civil process served by a constable at any time or place is presumed to be served in the constable's official capacity if under the law the constable may serve that process in the constable's official capacity. The bill prohibits a constable from retaining, under any circumstances, a fee paid for serving civil process in the constable's official capacity other than the constable's regular salary or compensation and requires any fee paid to a constable for serving civil process in the constable's official capacity to be deposited with the county treasurer of the constable's county.

EFFECTIVE DATE

September 1, 2009.