

BILL ANALYSIS

C.S.S.B. 2197
By: Williams
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Some constables in Texas avoid serving civil process while on duty in order to carry out the same activities off-duty for pay.

As proposed, C.S.S.B. 2197 provides that civil process served by a constable is considered served in the constable's official capacity.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 86.021(d), Local Government Code, to provide that civil process served by a constable is considered served in the constable's official capacity. Specifies that a constable may not under any circumstances retain a fee for serving civil process other than the constable's regular salary or compensation. Requires that any fee received by a constable for serving civil process in the constable's county be deposited with the county treasurer.

SECTION 2. Provides that the changes in law made by this Act to Section 86.021(d), Local Government Code, apply to all process served on or after the effective date of this Act, without regard to whether the process was issued before, on, after that date.

SECTION 3. Effective date: September 1, 2009.

EFFECTIVE DATE

SECTION 3. Effective date: September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1 of the substitute removes language that would limit the provisions to only process served in a constable's county, and adds language that specifies that a constable may not under any circumstances retain a fee for serving civil process other than the constable's regular salary or compensation.