

By: Williams

S.B. No. 2197

Substitute the following for S.B. No. 2197:

By: Davis of Harris

C.S.S.B. No. 2197

A BILL TO BE ENTITLED

AN ACT

relating to fees paid to a constable for serving civil process.

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

SECTION 1. Section 86.021(d), Local Government Code, is amended to read as follows:

(d) Regardless of the Texas Rules of Civil Procedure, all civil process may be served by a constable in the constable's county or in a county contiguous to the constable's county, except that a constable who is a party to or interested in the outcome of a suit may not serve any process related to the suit. 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. A constable may not under any circumstances retain a fee paid for serving civil process in the constable's official capacity other than the constable's regular salary or compensation. Any fee paid to a constable for serving civil process in the constable's official capacity shall be deposited with the county treasurer of the constable's county.

SECTION 2. The change in law made by this Act applies only to civil process served by a constable on or after the effective date of this Act. Civil process served by a constable before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect

1 for that purpose.

2 SECTION 3. This Act takes effect September 1, 2009.