

## **BILL ANALYSIS**

H.B. 1217  
By: Perez  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been suggested that creating a civil service system for all employees of the constable department in Harris County would provide a fair and equitable system so that all county peace officers are equally represented when it comes to employment rights and benefits. Many of these officers routinely change from one county department to another, yet the rules and protections are different in each department. While state law provides for the creation of a civil service system for sheriff's departments in counties with a population of more than 500,000, there is no mechanism through which a similar civil service system may be implemented in certain counties for constable department employees. H.B. 1217 seeks to address this issue by providing for the creation of a civil service system in Harris County for all constable department employees by order of the commissioners court or by election.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 1217 amends the Local Government Code to authorize a county with a population of more than 3.3 million to create a civil service system for all constable's department employees in the county, including deputy constables. The bill provides for the following:

- the establishment of such a civil service system by:
  - petition and election; or
  - by order of the commissioners court; and
- the appointment and operation of a civil service commission for such a system.

The bill sets out the commission's powers, including the authority to adopt rules regarding matters relating to the selection of employees and the procedural and substantive rights, advancement, benefits, and working conditions of employees.

H.B. 1217 sets out procedures relating to an employee who is indicted for a felony or officially charged with the commission of a Class A or B misdemeanor. The bill sets out provisions relating to the authority of the commission chair to issue subpoenas and administer oaths, creates a misdemeanor offense for a subpoenaed person who fails to appear as required by the subpoena, and makes the offense punishable by a fine up to \$1,000, confinement in the county jail for not more than 30 days, or both the fine and confinement.

H.B. 1217 provides for an appeals process for an employee who, on a final decision by the commission, is demoted, suspended, or removed from a position. The bill provides for exemptions from the civil service system and for the dissolution of the system by department or county election. A civil service system created under the bill's provisions and in effect applies to employees and departments to the exclusion of a civil service system in that county created under another law.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.