

By: Harless

H.B. No. 1049

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the requirement for a deputy sheriff, reserve deputy
3 sheriff, deputy constable, or reserve deputy constable to take an
4 official oath.

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

6 SECTION 1. Section 85.003, Local Government Code, is
7 amended by amending Subsection (b) and adding Subsection (b-1) to
8 read as follows:

9 (b) Except as provided by Subsection (b-1), a [A] person
10 appointed as a deputy, before beginning to perform the duties of
11 office, must take and subscribe the official oath, which, together
12 with the certificate of the officer administering the oath, must be
13 endorsed on the appointment. The appointment and oath shall be
14 deposited and recorded in the county clerk's office. A list of the
15 appointments shall be posted in a conspicuous place in that office.

16 (b-1) A person reappointed as a deputy may continue to
17 perform the duties of office before retaking the official oath. The
18 deputy must retake the oath as soon as possible after being
19 reappointed.

20 SECTION 2. Section 85.004, Local Government Code, is
21 amended by amending Subsection (c) and adding Subsection (c-2) to
22 read as follows:

23 (c) Except as provided by Subsection (c-1) or (c-2), a
24 reserve deputy, before beginning to perform the duties of office

1 and at the time of appointment, must file an oath and execute and
2 file a bond in the amount of \$2,000 payable to the sheriff. The
3 oath and bond shall be filed with the county clerk.

4 (c-2) A person reappointed as a reserve deputy may continue
5 to perform the duties of office before retaking the official oath.
6 The reserve deputy must retake the oath as soon as possible after
7 being reappointed.

8 SECTION 3. Section 86.011(b), Local Government Code, is
9 amended to read as follows:

10 (b) Each deputy constable must qualify in the manner
11 provided for deputy sheriffs under Section 85.003.

12 SECTION 4. Section 86.012, Local Government Code, is
13 amended by amending Subsection (c) and adding Subsection (c-2) to
14 read as follows:

15 (c) Except as provided by Subsection (c-1), a reserve deputy
16 constable must take the official oath and must execute a bond in the
17 amount of \$2,000, payable to the constable. The oath and bond must
18 be filed with the county clerk of the county in which the
19 appointment is made. Except as provided by Subsection (c-2), the
20 [The] oath and bond must be given before the reserve deputy
21 constable's entry on duty and simultaneously with the officer's
22 appointment.

23 (c-2) A person reappointed as a reserve deputy constable may
24 continue to perform the duties of office before retaking the
25 official oath. The reserve deputy constable must retake the oath as
26 soon as possible after being reappointed.

27 SECTION 5. This Act takes effect September 1, 2021.