

BILL ANALYSIS

C.S.H.B. 3264
By: Meza
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The removal of a county officer from office refers to the process of terminating the employment or position of an individual who holds an elected or appointed position within a county government. This process is typically initiated by the county government, through a formal investigation and hearing process, and may result in the officer being removed from their position, either temporarily or permanently. Although the removal of a county officer can vary depending on the circumstances of the situation, some common reasons for initiating this process include allegations of corruption, unethical behavior, criminal activity, neglect of duty, or violation of county policies or procedures. In many cases, the removal process may be initiated by a complaint or investigation from the public or other government agencies and may involve multiple stages of review and appeals.

Ultimately, the goal of the process is to ensure that county officers are held accountable for their actions and that the county government can continue to serve its community effectively and with integrity. However, it has been criticized that this process is too lenient when it comes to the removal of a county officer on the grounds of intoxication, as it is currently limited to alcohol-based intoxication. C.S.H.B. 3264 seeks to provide a more expansive definition of "intoxication" for this purpose.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

C.S.H.B. 3264 amends the Local Government Code to remove the specification that the on or off duty intoxication that constitutes grounds for removal of a county officer is intoxication that is caused by the drinking of an alcoholic beverage. The bill defines "intoxication" for such purposes instead as the state of:

- having an alcohol concentration to qualify as intoxicated for purposes of intoxication and alcoholic beverage offenses under the Penal Code, which is 0.08 under current law; or
- not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body.

Accordingly, the bill makes the existing exception for cases in which intoxication was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician

practicing in Texas applicable to intoxication caused by the use of a substance on such direction and prescription. The bill applies only to conduct that occurs on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3264 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions absent from the introduced that do the following:

- revise the exception for intoxication caused by following the direction and prescription of a licensed physician; and
- specify that the bill applies only to conduct that occurs on or after the bill's effective date.

The substitute changes the bill's effective date to remove the possibility for its immediate effect, contingent on receiving the requisite constitutional vote, which was present in the introduced.