

BILL ANALYSIS

H.B. 3477
By: Neave Criado
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 23, Article V, Texas Constitution, requires the legislature to prescribe the qualifications and perquisites of a sheriff. Currently, the only qualifications for a person to be eligible to serve as a sheriff are that the person hold a high school diploma, or a high school equivalency certificate, and that the person be eligible to be licensed as a peace officer. Concerns have been raised by county sheriffs across the state regarding the qualifications required of a candidate for sheriff. Any sheriff that comes into the position without a peace officer license will spend weeks in training as they attempt to obtain their license. During this time, the county is left without a sheriff to serve and protect the county and to oversee the sheriff's office, personnel, and jail. H.B. 3477 seeks to ensure that the professionalism of the sheriff's office is guaranteed on the first day an elected sheriff assumes office as the conservator of peace and head law enforcement official in the county by setting new sheriff qualifications.

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

H.B. 3477 amends the Local Government Code to establish that a person is ineligible to serve as a sheriff unless the person, in addition to meeting the existing qualification of having a high school diploma or a high school equivalency certificate, also meets the following qualifications:

- the person holds an active permanent peace officer license;
- the person has a minimum of the following:
 - 5 years experience as a full-time, paid peace officer or federal special investigator; or
 - 10 years combined active duty or national guard service experience, and is a military veteran; and
- the person holds an applicable intermediate, advanced, or master proficiency certificate.

The bill makes a person ineligible to be a candidate for the office of sheriff unless the person meets all of these qualifications. The bill does not apply to a sheriff serving a term that began before the bill's effective date.

H.B. 3477 amends the Occupations Code to make a conforming change.

H.B. 3477 repeals Section 85.0025, Local Government Code.

EFFECTIVE DATE

September 1, 2023.