

BILL ANALYSIS

Senate Research Center

S.B. 232
By: Hinojosa
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2017, the 85th Legislature passed S.B. 500, to institute several ethics reforms designed to build the public's trust in their elected officials and governmental institutions. S.B. 500 prohibited government pensions from being paid to certain public officers convicted of offenses related to public corruption (e.g., bribery, extortion, abuse of office, or conspiracy) arising from their duties in public office. In addition, for any felony conviction, S.B. 500 made it a requirement for a member of the legislature, the governor, or statewide elected official to vacate the official's office on the date the conviction became final. This requirement, which draws a bright line for a statewide elected officials is currently missing in state law for local elected officials.

Towards that end, S.B. 232 extends the same expulsion requirement to a person holding an elected or appointed office of a political subdivision to be automatically removed from and vacate the office upon either (1) pleading guilty or nolo contendere, (2) receiving deferred adjudication, or (3) conviction for one of the eight offenses related to public corruption. These eight offenses are the same offenses that make public officers ineligible for retirement benefits as enacted under S.B. 500. Allowing corrupt officials who are convicted, plead guilty, or receive deferred adjudication for violating anti-corruption laws to continue to hold office and have influence on how our tax dollars are spent erodes public confidence in our government. In addition, to prevent unnecessary delays in filling the vacancy, S.B. 232 requires the governing body to initiate the process to fill the vacancy soon after the officer is removed.

(Original Author's/Sponsor's Statement of Intent)

Committee Substitute:

The committee substitute amends Section 180.010(c), Local Government Code, to clarify that the political subdivision shall initiate the process to fill the vacancy at the first regularly scheduled meeting that requires notice under Chapter 551 of the Government Code.

S.B. 232 amends current law relating to the removal from office of an officer of a political subdivision for commission of certain criminal offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 180, Local Government Code, by adding Section 180.010, as follows:

Sec. 180.010. REMOVAL FOR CERTAIN CRIMINAL OFFENSES. (a) Defines "qualifying offense."

(b) Provides that a person who holds an elected or appointed office of a political subdivision is automatically removed from and vacates the office on the earlier of the date the person:

- (1) enters a plea of guilty or nolo contendere to a qualifying offense;
- (2) receives deferred adjudication for a qualifying offense; or
- (3) is convicted of a qualifying offense.

(c) Requires the governing body of a political subdivision, at the first regularly scheduled meeting of the governing body for which notice is required under Chapter 551 (Open Meetings), Government Code, following the date an officer of the political subdivision is removed from office under this section, to:

- (1) order an election on the question of filling the vacancy to be held on the first day that allows sufficient time to comply with other requirements of law, if an election is required to fill the vacancy; or
- (2) fill the vacancy in the manner provided by law, if an election is not required.

SECTION 2. Amends Section 21.031(c), Local Government Code, as follows:

(c) Provides that if the removed officer appeals the judgment, other than for an offense to which Section 180.010 applies, the appeal supersedes the order of removal unless the court that renders the judgment finds that it is in the public interest to suspend the removed officer pending the appeal.

SECTION 3. Amends Section 87.032, Local Government Code, as follows:

Sec. 87.032. APPEAL; SUSPENSION. Provides that an appeal supersedes the order of removal if the officer appeals the judgment, other than for an offense to which Section 180.010 applies, unless the court that renders the judgment finds that it is in the public interest to suspend the officer pending the appeal.

SECTION 4. Makes application of Section 180.010, Local Government Code, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2023.