

## **BILL ANALYSIS**

S.B. 1124  
By: King  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Section 23, Article V, Texas Constitution, requires the legislature to prescribe the qualifications and prerequisites 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 be eligible to be licensed as a peace officer by virtue of meeting the age requirement and lacking a felony conviction. There are concerns that these qualifications are not adequate for a position that serves and protects the county and oversees the sheriff's office, personnel, and jail. S.B. 1124 seeks to ensure the professionalism of the sheriff's office 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**

S.B. 1124 amends the Local Government Code to make the following changes with regard to the qualification for service as a sheriff that a person be eligible to be licensed as a peace officer by virtue of age and the lack of a felony conviction:

- require as part of that qualification that the person have a minimum of five years of experience as a federal special investigator or be a military veteran with a minimum of 10 years of combined active duty or national guard service experience; and
- provides as an alternative to that qualification the holding by the person of an active permanent peace officer license under the Occupations Code.

The bill makes a person ineligible to be a candidate for the office of sheriff unless the person holds such a license or is a person with the previously described experience and obtains a peace officer license within the statutory prescribed time for certain elected or appointed officers. The bill provides for the meaning of "federal special investigator" by reference to the Code of Criminal Procedure and defines the following terms for its purposes:

- "military veteran" as a person who has served on active duty and who was discharged or released from active duty;
- "active duty" as current full-time military service in the armed forces of the United States; and
- "armed forces of the United States" as the army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

S.B. 1124 repeals provisions relating to the authorization for the Texas Commission on Law Enforcement to require each county sheriff who is not a commissioned peace officer to attend not more than 40 hours of instruction in law enforcement. The bill does not apply to a sheriff serving a term that began before the bill's effective date.

S.B. 1124 amends the Occupations Code to make a conforming change.

S.B. 1124 repeals Section 85.0025, Local Government Code.

**EFFECTIVE DATE**

September 1, 2023.