88R16178 AMF-F

By:  Meza, Bumgarner, et al. H.B. No. 3264

A BILL TO BE ENTITLED

AN ACT

relating to the grounds for removal of county officers from office.

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

SECTION 1.  Section 87.011, Local Government Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Intoxication" means the state of:

(A)  having an alcohol concentration to qualify as intoxicated under Section 49.01(2), Penal Code; or

(B)  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.

SECTION 2.  Section 87.013, Local Government Code, is amended to read as follows:

Sec. 87.013.  GENERAL GROUNDS FOR REMOVAL.  (a) An officer may be removed for:

(1)  incompetency;

(2)  official misconduct; or

(3)  intoxication on or off duty [~~caused by drinking an alcoholic beverage~~].

(b)  Intoxication is not a ground for removal if it appears at the trial that the intoxication was caused by the use of a substance [~~drinking an alcoholic beverage~~] on the direction and prescription of a licensed physician practicing in this state.

SECTION 3.  The change in law made by this Act applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2023.