

By: Cook, Bell of Kaufman

H.B. No. 879

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications required to hold the office of constable in certain counties.

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

SECTION 1. Section 86.0021, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person is not eligible to serve as constable in a county with a population of less than 200,000 unless:

(1) the person is eligible to be licensed under Sections 1701.309 and 1701.312, Occupations Code, and:

(A) has at least an associate's degree conferred by an institution of higher education accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;

(B) is a special investigator under Article 2.122(a), Code of Criminal Procedure; or

(C) is an honorably retired peace officer or honorably retired federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupations Code; or

(2) the person is an active or inactive licensed peace officer under Chapter 1701, Occupations Code.

(a-1) A person is not eligible to serve as constable in a

1 county with a population of 200,000 or more unless:

2 (1) the person is eligible to be licensed under
3 Sections 1701.309 and 1701.312, Occupations Code, and:

4 (A) is a special investigator under Article
5 2.122(a), Code of Criminal Procedure; or

6 (B) is an honorably retired peace officer or
7 honorably retired federal criminal investigator who holds a
8 certificate of proficiency issued under Section 1701.357,
9 Occupations Code; or

10 (2) the person is an active or inactive licensed peace
11 officer under Chapter 1701, Occupations Code.

12 SECTION 2. The change in law made by this Act applies only
13 to a constable elected or appointed to serve a term of office that
14 begins on or after the effective date of this Act. A constable
15 serving a term of office that began before the effective date of
16 this Act is governed for the remainder of that term by the
17 applicable law that existed immediately before the effective date
18 of this Act, and the former law is continued in effect for that
19 purpose.

20 SECTION 3. This Act takes effect September 1, 2023.