

By: Hinojosa, et al.
(Geren)

S.B. No. 232

A BILL TO BE ENTITLED

AN ACT

relating to the removal from office of an officer of a political subdivision for commission of certain criminal offenses.

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

SECTION 1. Chapter 180, Local Government Code, is amended by adding Section 180.010 to read as follows:

Sec. 180.010. REMOVAL FOR CERTAIN CRIMINAL OFFENSES.

(a) In this section, "qualifying offense" means a criminal offense involving:

(1) bribery;

(2) theft of public money;

(3) perjury;

(4) coercion of public servant or voter;

(5) tampering with governmental record;

(6) misuse of official information;

(7) abuse of official capacity; or

(8) conspiracy or the attempt to commit any of the offenses described by this subsection.

(b) 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

1 offense; or

2 (3) is convicted of a qualifying offense.

3 (c) The governing body of a political subdivision shall at
4 the first regularly scheduled meeting of the governing body for
5 which notice is required under Chapter 551, Government Code,
6 following the date an officer of the political subdivision is
7 removed from office under this section:

8 (1) order an election on the question of filling the
9 vacancy to be held on the first day that allows sufficient time to
10 comply with other requirements of law, if an election is required to
11 fill the vacancy; or

12 (2) fill the vacancy in the manner provided by law, if
13 an election is not required.

14 SECTION 2. Section 21.031(c), Local Government Code, is
15 amended to read as follows:

16 (c) If the removed officer appeals the judgment, other than
17 for an offense to which Section 180.010 applies, the appeal
18 supersedes the order of removal unless the court that renders the
19 judgment finds that it is in the public interest to suspend the
20 removed officer pending the appeal. If the court finds that the
21 public interest requires suspension, the court shall suspend the
22 removed officer as provided by this subchapter.

23 SECTION 3. Section 87.032, Local Government Code, is
24 amended to read as follows:

25 Sec. 87.032. APPEAL; SUSPENSION. If the officer appeals
26 the judgment, other than for an offense to which Section 180.010
27 applies, the appeal supersedes the order of removal unless the

1 court that renders the judgment finds that it is in the public
2 interest to suspend the officer pending the appeal. If the court
3 finds that the public interest requires suspension, the court shall
4 suspend the officer as provided by this chapter.

5 SECTION 4. Section 180.010, Local Government Code, as added
6 by this Act, applies only to an officer of a political subdivision
7 who enters a plea of guilty or nolo contendere to, or receives
8 deferred adjudication for or is convicted of, a qualifying offense,
9 as that term is defined by that section, on or after the effective
10 date of this Act.

11 SECTION 5. This Act takes effect September 1, 2023.