

By: Schofield

H.B. No. 40

A BILL TO BE ENTITLED

AN ACT

relating to the authority of sheriffs and constables to enter into contracts to provide law enforcement services in certain counties and county financial authority in relation to sheriffs and constables in certain counties.

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

SECTION 1. Subchapter B, Chapter 85, Local Government Code, is amended by adding Section 85.025 to read as follows:

Sec. 85.025. AUTHORITY TO ENTER INTO CONTRACT TO PROVIDE LAW ENFORCEMENT SERVICES IN CERTAIN COUNTIES. (a) In this section:

(1) "Local government" means a municipality, special purpose district, school district, or other political subdivision of this state that has taxing authority.

(2) "Property owners' association" has the meaning assigned by Section 202.001, Property Code.

(3) "Special purpose district" has the meaning assigned by Section 403.0241, Government Code.

(4) "Subdivision" has the meaning assigned by Section 201.003, Property Code.

(b) This section applies only to a county with a population of 3.3 million or more.

(c) A sheriff may enter into a contract with a resident of the sheriff's county, local government or business located in the sheriff's county, property owners' association, or owner of land in

a subdivision to provide law enforcement services in the sheriff's county:

(1) in and near the area owned, leased, managed, or regulated by the person contracting with the sheriff; and

(2) to the persons residing in or visiting an area described by Subdivision (1).

(d) The commissioners court of the sheriff's county may not prohibit or otherwise restrict the sheriff from entering into a contract under this section. The sheriff may enter into the contract and determine the terms of the contract, regardless of whether the commissioners court approves of the contract or the terms.

SECTION 2. Subchapter C, Chapter 86, Local Government Code, is amended by adding Section 86.026 to read as follows:

Sec. 86.026. AUTHORITY TO ENTER INTO CONTRACT TO PROVIDE LAW ENFORCEMENT SERVICES IN CERTAIN COUNTIES. (a) In this section:

(1) "Local government" means a municipality, special purpose district, school district, or other political subdivision of this state that has taxing authority.

(2) "Property owners' association" has the meaning assigned by Section 202.001, Property Code.

(3) "Special purpose district" has the meaning assigned by Section 403.0241, Government Code.

(4) "Subdivision" has the meaning assigned by Section 201.003, Property Code.

(b) This section applies only to a county with a population of 3.3 million or more.

1 (c) A constable may enter into a contract with a resident of
2 the constable's precinct, local government or business located in
3 the constable's precinct, property owners' association, or owner of
4 land in a subdivision to provide law enforcement services in the
5 constable's precinct:

6 (1) in and near the area owned, leased, managed, or
7 regulated by the person contracting with the constable; and

8 (2) to the persons residing in or visiting an area
9 described by Subdivision (1).

10 (d) The commissioners court of a constable's county may not
11 prohibit or otherwise restrict the constable from entering into a
12 contract under this section. The constable may enter into the
13 contract and determine the terms of the contract, regardless of
14 whether the commissioners court approves of the contract or the
15 terms.

16 SECTION 3. Subchapter [Z](#), Chapter [130](#), Local Government
17 Code, is amended by adding Section 130.903 to read as follows:

18 Sec. 130.903. REQUIREMENTS AND PROHIBITIONS RELATED TO
19 COUNTY LAW ENFORCEMENT IN CERTAIN COUNTIES. (a) This section
20 applies only to a county with a population of 3.3 million or more.

21 (b) A county may not:

22 (1) transfer money appropriated to the office of
23 sheriff or constable to the county's general revenue fund or any
24 other county account; or

25 (2) prohibit the office of sheriff or constable from
26 spending money appropriated to the office for any lawful purpose.

27 (c) In relation to money received under a contract entered

1 into under Section 85.025 or 86.026, the commissioners court of the
2 sheriff's or constable's county:

3 (1) shall credit the money to the office of the sheriff
4 or constable, as applicable, and may not credit the money to the
5 county's general revenue fund; and

6 (2) may not reduce the appropriation to the office of
7 the sheriff or constable, as applicable, by the amount of the money
8 received because the money is considered for purposes of Section
9 120.002 as part of the office's appropriation for the county fiscal
10 year in which the money is received.

11 (d) The county may not prohibit or otherwise restrict the
12 use of the money described by Subsection (b) by the sheriff or
13 constable, as applicable, for a lawful purpose, if the county
14 auditor or county treasurer determines that the money is available
15 to the office of the sheriff or constable, as applicable.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2025.