

BILL ANALYSIS

C.S.H.B. 336
By: Schofield
Intergovernmental Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that some unincorporated areas of Harris County currently receive police patrols through contracts entered into with either constables or the county sheriff. The bill author has also informed the committee that the Harris County Commissioners Court has recently proposed making these contracts less affordable for residents by requiring these contracts to cover the full cost of the patrols. C.S.H.B. 336 seeks to ensure that constables and sheriffs in counties with a population of 3.3 million or more, like Harris County, may continue to enter into contracts with certain residents, local governments or businesses, property owners' associations, or owners of land to provide law enforcement services without prohibition or restriction from the county commissioners court.

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

C.S.H.B. 336 amends the Local Government Code to set out provisions, applicable only to a county with a population of 3.3 million or more, relating to the authority of sheriffs and constables to enter into contracts to provide law enforcement services and the financial authority of the county in relation to sheriffs and constables.

C.S.H.B. 336 authorizes a sheriff or a constable in an applicable county to enter into a contract with a resident of the sheriff's county or the constable's precinct, as applicable, a local government or business located in the applicable county or precinct, a property owners' association, or an owner of land in a subdivision to provide law enforcement services in the applicable county or precinct in and near the area owned, leased, managed, or regulated by the person contracting with the sheriff or constable and to the persons residing in or visiting such an area. The bill prohibits the commissioners court of the applicable sheriff's or constable's county from prohibiting or otherwise restricting the sheriff or constable from entering into such a contract. The bill authorizes the sheriff or constable to enter into the contract and to determine the terms of the contract, regardless of whether the commissioners court approves of the contract or the terms.

C.S.H.B. 336 prohibits a county to which the bill applies from taking any of the following actions:

- transferring money appropriated to the office of sheriff or constable to the county's general revenue fund or any other county account; or
- prohibiting the office of sheriff or constable from spending money appropriated to the office for any lawful purpose.

The bill does the following in relation to money received under a contract entered into under the bill's provisions:

- requires the applicable county commissioners court to credit the money to the office of the sheriff or constable, as applicable, and prohibits the commissioners court from crediting the money to the county's general revenue fund; and
- prohibits the applicable county commissioners court from reducing the appropriation to the office of the sheriff or constable, as applicable, by the amount of the money received because the money is considered for purposes of an election for the reduction of funding or resources for certain primary law enforcement agencies as part of the office's appropriation for the county fiscal year in which the money is received.

The bill prohibits the county from prohibiting or otherwise restricting the use of the money appropriated to the office of the sheriff or constable by the sheriff or constable, as applicable, for a lawful purpose, if the county auditor or county treasurer determines that the money is available to the office of the sheriff or constable, as applicable.

C.S.H.B. 336 defines the following terms:

- "local government" as a municipality, special purpose district, school district, or other political subdivision of the state that has taxing authority;
- "special purpose district" by reference to Government Code provisions relating to the special purpose district public information database; and
- "property owners' association" and "subdivision" by reference to certain Property Code provisions relating to restrictive covenants.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 336 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute raises the minimum population threshold of a county to which the bill applies from 1 million, as in the introduced, to 3.3 million.

Both the introduced and substitute authorize a sheriff or a constable in an applicable county to enter into a contract with a property owners' association or owner of land in a subdivision to provide law enforcement services in the sheriff's county or constable's precinct, as applicable. However, the substitute also authorizes a sheriff or constable to enter into such a contract with a resident of the applicable county or precinct and a local government or business located in the applicable county or precinct, whereas the introduced did not. Additionally, both the introduced and the substitute authorize an applicable sheriff or constable to provide those services in and near certain areas. However, whereas the introduced authorized those services to be provided in and near the area managed or regulated by the property owners' association or the area owned by the owner, the substitute authorizes those services to be provided in and near the area owned, leased, managed, or regulated by the person contracting with the sheriff or constable.

The substitute includes definitions absent from the introduced for the terms "local government" and "special purpose district."