

BILL ANALYSIS

C.S.H.B. 2715
By: Curry
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that there is a need for government accountability and public officials' adherence to their duties and that standardizing the judicial process for removing local officials who fail to uphold their duties would enhance government accountability. C.S.H.B. 2715 seeks to preserve local judicial oversight while standardizing the judicial process for removing local officials by requiring all petitions for the removal of applicable county officials to be addressed to the presiding judge of the administrative judicial region in which a petition for removal is filed and by repealing certain outdated requirements concerning the removal of such an officer.

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. 2715 repeals statutory provisions that do the following relating to the removal of certain county officers from office by petition and trial:

- in a proceeding for the removal of an officer and except as otherwise provided by law, require the county attorney to represent the state;
- in a proceeding to remove a county attorney who is not a prosecuting attorney from office, require the district attorney to represent the state; and
- if the county does not have a district attorney, require the county attorney from an adjoining county, as selected by the commissioners court of the county in which the proceeding is pending, to represent the state.

C.S.H.B. 2715 amends the Local Government Code to remove the requirement that a petition for removal of a county officer from office other than a prosecuting attorney be addressed to the district judge of the court in which it is filed. The bill replaces the requirement that a petition for removal of a prosecuting attorney from office be addressed to the presiding judge of the administrative judicial region in which the petition is filed with a requirement that a petition for removal of a county officer from office under statutory provisions relating to the removal of such officers by petition and trial be addressed to such a presiding judge.

C.S.H.B. 2715 repeals Sections 87.018(d) and (e), Local Government Code.

C.S.H.B. 2715 applies only to the removal of an officer under statutory provisions relating to the removal of county officers from office by petition and trial for which the petition for removal is filed under those provisions on or after the bill's effective date. The removal of an officer for which the petition for removal is filed before the bill's effective date is governed by the law in effect on the date the petition is filed, and the former law is continued in effect for that purpose.

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. 2715 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 omits the following provisions that appeared in the introduced:

- a provision providing for the bill's applicability;
- a requirement for an officer of the state or a political subdivision of the state to follow and execute the laws of the state in accordance with the officer's oath of office;
- an authorization for the governor to suspend an officer of the state or a political subdivision for a violation of that requirement;
- a requirement for the governor to file a petition for removal of such a suspended officer;
- a provision establishing the date such a suspension takes effect and the temporary nature of the suspension;
- a requirement for the governor to make a provisional appointment to temporarily fill a vacancy if the governor suspends an officer;
- a provision establishing that a suspended officer may only be removed following a jury trial and provisions setting out the manner in which the trial must be conducted and requirements applicable based on the outcome of the trial; and
- a provision making the bill applicable only to conduct of an officer of the state or a political subdivision of the state that occurs on or after the bill's effective date.

The substitute includes the following provisions absent from the introduced:

- provisions repealing the statutory provisions requiring a county attorney or district attorney, as applicable, to represent the state in a proceeding for the removal of certain county officers;
- a provision removing the requirement that a petition for removal of an officer other than a prosecuting attorney be addressed to the district judge of the court in which it is filed;
- a provision replacing the requirement that a petition for removal of a prosecuting attorney be addressed to the presiding judge of the administrative judicial region in which the petition is filed with a requirement that a petition for removal of a county officer be addressed to such a presiding judge; and
- provisions making the bill applicable only to the removal of an applicable officer for which the petition for removal is filed on or after the bill's effective date and establishing that the removal of an officer for which the petition for removal is filed before the bill's effective date is governed by the law in effect on the date the petition is filed and the former law is continued in effect for that purpose.