

By: Schofield

H.B. No. 1246

A BILL TO BE ENTITLED

AN ACT

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

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. (a) In this section:

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

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

(b) A sheriff may enter into a contract with a property owners' association or an owner of land in a subdivision to provide law enforcement services in the sheriff's county:

(1) in and near the area managed or regulated by the association or the area owned by the owner; and

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

(c) 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

1 whether the commissioners court approves of the contract or the  
2 terms.

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

5 Sec. 86.026. AUTHORITY TO ENTER INTO CONTRACT TO PROVIDE  
6 LAW ENFORCEMENT SERVICES. (a) In this section:

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

9 (2) "Subdivision" has the meaning assigned by Section  
10 201.003, Property Code.

11 (b) A constable may enter into a contract with a property  
12 owners' association or an owner of land in a subdivision to provide  
13 law enforcement services in the constable's precinct:

14 (1) in and near the area managed or regulated by the  
15 association or the area owned by the owner; and

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

18 (c) The commissioners court of a constable's county may not  
19 prohibit or otherwise restrict the constable from entering into a  
20 contract under this section. The constable may enter into the  
21 contract and determine the terms of the contract, regardless of  
22 whether the commissioners court approves of the contract or the  
23 terms.

24 SECTION 3. Subchapter Z, Chapter 130, Local Government  
25 Code, is amended by adding Section 130.903 to read as follows:

26 Sec. 130.903. REQUIREMENTS AND PROHIBITIONS RELATED TO  
27 COUNTY LAW ENFORCEMENT. (a) A county may not:

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

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

6           (b) In relation to money received under a contract entered  
7 into under Section 85.025 or 86.026, the commissioners court of the  
8 sheriff's or constable's county:

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

12           (2) may not reduce the appropriation to the office of  
13 the sheriff or constable, as applicable, by the amount of the money  
14 received because the money is considered for purposes of Section  
15 120.002 as part of the office's appropriation for the county fiscal  
16 year in which the money is received.

17           (c) The county may not prohibit or otherwise restrict the  
18 use of the money described by Subsection (a) by the sheriff or  
19 constable, as applicable, for a lawful purpose, if the county  
20 auditor or county treasurer determines that the money is available  
21 to the office of the sheriff or constable, as applicable.

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