

By: Curry

H.B. No. 2715

A BILL TO BE ENTITLED

AN ACT

relating to the suspension and removal from office of certain
elected officials of this state or a political subdivision of this
state.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended
by adding Chapter 621 to read as follows:

CHAPTER 621. SUSPENSION AND REMOVAL OF PUBLIC OFFICER

Sec. 621.001. APPLICABILITY. This chapter applies only to
a person serving in an elected office to which Section 7, Article
XV, Texas Constitution, applies.

Sec. 621.002. DUTY TO FOLLOW AND EXECUTE LAWS OF THIS STATE.
An officer of this state or a political subdivision of this state
shall follow and execute the laws of this state in accordance with
the officer's oath of office.

Sec. 621.003. SUSPENSION BY GOVERNOR; PETITION. (a)
Notwithstanding any other law, the governor may suspend an officer
of this state or a political subdivision of this state on the
grounds that the officer violated Section 621.002.

(b) The governor shall file a petition for removal of an
officer the governor suspends under Subsection (a) in:

(1) a district court in the county in which the officer
resides if the officer is an officer of a political subdivision of
this state; or

1 (2) a district court in Travis County if the officer is
2 a state officer.

3 (c) A suspension under this section:

4 (1) takes effect on the date the petition under
5 Subsection (b) is filed; and

6 (2) is temporary pending the outcome of a trial under
7 Section 621.004.

8 (d) Notwithstanding any other law, if the governor suspends
9 an officer under Subsection (a), the governor shall make a
10 provisional appointment to temporarily fill the vacancy until the
11 conclusion of the trial under Section 621.004.

12 Sec. 621.004. TRIAL; REMOVAL. (a) An officer suspended by
13 the governor under Section 621.003 may only be removed under this
14 chapter following a trial by jury.

15 (b) The trial for removal of an officer under this chapter
16 and the proceedings connected with the trial shall be conducted to
17 the extent practicable in accordance with the rules and practice of
18 the court in other civil cases, in the name of the State of Texas.

19 (c) In a trial under this section, the judge shall instruct
20 the jury to find from the evidence whether the grounds for removal
21 alleged in the petition are true. If the petition alleges more than
22 one ground for removal, the jury shall indicate in the verdict which
23 grounds are sustained by the evidence and which are not sustained.

24 (d) If the jury finds that any ground for removal alleged in
25 the petition is true, the suspended officer is immediately removed
26 from office and the temporary appointment made under Section
27 621.003(d) continues until the vacancy in the office is filled as

1 otherwise provided by law.

2 (e) If the jury does not find that any ground for removal
3 alleged in the petition is true:

4 (1) the suspension of the officer is immediately
5 terminated;

6 (2) the temporary appointment made under Section
7 621.003(d) is terminated; and

8 (3) the officer is returned to office.

9 (f) The attorney general shall represent the state in a
10 trial to remove a state officer from office under this chapter.

11 (g) Except as provided by Subsection (h), in a trial to
12 remove an officer of a political subdivision of this state under
13 this chapter, the county attorney shall represent the state.

14 (h) In a trial to remove a county attorney from office, the
15 county attorney from an adjoining county, as selected by the
16 commissioners court of the county in which the proceeding is
17 pending, shall represent the state.

18 SECTION 2. The changes in law made by this Act apply only to
19 conduct of an officer of this state or a political subdivision of
20 this state that occurs on or after the effective date of this Act.
21 The conduct of an officer that occurs before that date is governed
22 by the law in effect on the date the conduct occurred, and the
23 former law is continued in effect for that purpose.

24 SECTION 3. This Act takes effect September 1, 2025.