

By: Alders

H.B. No. 3394

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of deputy constables.

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

SECTION 1. Sec. 86.011, Local Government Code, is amended to read as follows:

(a) The appointment of a deputy constable must be in writing  
~~[An elected constable who desires to appoint a deputy must apply in writing to the commissioners court of the county and show that it is necessary to appoint a deputy in order to properly handle the business of the constable's office that originates in the constable's precinct. The application must state the name of the proposed deputy. The commissioners court shall approve and confirm the appointment of the deputy only if the commissioners court determines that the constable needs a deputy to handle the business originating in the precinct].~~

(b) Except as provided by Subsection (c), a person appointed as a deputy, before beginning to perform the duties of office, must take and subscribe the official oath, which, together with the certificate of the officer administering the oath, must be endorsed on the appointment. The appointment and oath shall be deposited and recorded in the county clerk's office. A list of the appointments shall be posted in a conspicuous place in that office.

(c) A person reappointed as a deputy may continue to perform the duties of office before retaking the official oath. The deputy

1 must retake the oath as soon as possible after being reappointed.

2 (d) A deputy serves at the pleasure of the constable. The  
3 constable may revoke the appointment of a deputy on the indictment  
4 of the deputy for a felony.

5 (e) [~~(b)~~] Each deputy constable must qualify in the manner  
6 provided for deputy sheriffs under Section 85.003.

7 (f) [~~(c)~~] The constable is responsible for the official  
8 acts of each deputy of the constable. The constable may require a  
9 deputy to post a bond or security. A constable may exercise any  
10 remedy against a deputy or the deputy's surety that a person may  
11 exercise against the constable or the constable's surety.

12 (g) [~~(d)~~] A person commits an offense if the person[+  
13 [~~(1)~~] serves as a deputy constable and the person has  
14 not been appointed as provided by Subsection (a) [~~+ or~~  
15 [~~(2)~~ is a constable and issues a deputyship without  
16 ~~the consent and approval of the commissioners court]~~.

17 (h) [~~(e)~~] An offense under Subsection (g) [~~(d)~~] is  
18 punishable by a fine of not less than \$50 or more than \$1,000.

19 SECTION 2. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2025.