

BILL ANALYSIS

Senate Research Center

H.B. 2071
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Intergovernmental Relations
5-5-97
Engrossed

DIGEST

Currently, constables provide certain law-related services and have the authority to investigate criminal activity, file offense reports, investigate reports, interview suspects and witnesses for statements, and build cases in cooperation with the prosecutor's office for the filing of complaints with the courts or with the grand jury. Deputies of the constable must qualify as peace officers in the same way as all other Texas peace officers under rules set by the Texas Commission on Law Enforcement Officer Standards and Education. This bill grants deputies of a constable certain powers and provides that a person is not eligible to be a constable under certain conditions.

PURPOSE

As proposed, H.B. 2071 sets forth provisions regarding the qualifications to serve as a constable and the powers and duties of constables and deputy constables.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amend Section 86.021(a), Local Government Code, to require a deputy constable to execute and return as provided by law each process, warrant, and precept that is directed to the deputy constable and is delivered by a lawful officer. Provides that notices required by Section 24.005, Property Code, relating to eviction actions, are process for purposes of this section that may be executed by a constable or deputy constable.

SECTION 2. Amends Chapter 86A, Local Government Code, by adding Section 86.0021, as follows:

Sec. 86.0021. QUALIFICATIONS. Provides that a person is not eligible to serve as constable unless the person has fulfilled certain qualifications.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: January 1, 1998, pending voter approval.

SECTION 5. Emergency clause.