

BILL ANALYSIS

Senate Research Center

H.B. 2071
By: Gutierrez (Lucio)
Intergovernmental Relations
5-8-97
Committee Report (Amended)

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 provide 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.

SECTION 2. Amends Section 154.005, Subchapter A, Local Government Code, to authorize a constable to receive in addition to Section 154.005(c), Government Code, all fees, commissions, or payments for delivering notices required by Section 24.005, Property Code, relating to eviction actions. Prohibits a constable delivering said notices from wearing certain items of clothing associated with the position of constable, and from using a county vehicle or county equipment while delivering said notices. Provides that a constable is considered a private process server under this section.

SECTION 3. 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 4. Makes application of this Act prospective.

SECTION 5. Effective date: January 1, 1998, pending voter approval.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

(A) Strike SECTION 1 and replace with new SECTION 1 which 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.

(B) Adds new SECTION 2 and renumbers subsequent sections accordingly.

SECTION 2. Subchapter A, Section 154.005, Local Government Code, is amended to read as follows:

(d) A constable may receive in addition to Section 154.005(c) of the Texas Government Code, all fees, commission, or payments for delivering notices required by Section 24.005, Property Code, relating to eviction actions. A constable delivering said notices must not be wearing upon his or her person a uniform or any insignia which would usually be associated with the position of constable not may the constable use a county vehicle or county equipment while delivering said notices. For purposes of collecting fees for serving said notices, a constable is considered a private process server.