

BILL ANALYSIS

H.B. 2612
By: Perez
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that, while state law provides for the creation of various civil service systems, such a system is not explicitly provided for constable's department employees in a county with a population of more than 3.3 million. H.B. 2612 seeks to address this issue by providing for the creation of a civil service system for all constable's department employees in such a county.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2612 amends the Local Government Code to authorize a county with a population of more than 3.3 million to create a civil service system for all constable's department employees in the county. The bill provides for the establishment of such a civil service system by petition and election or by order of the commissioners court. The bill provides for the appointment of a civil service commission if a majority of the employees voting at an election approve the creation of the civil service system and sets out provisions relating to commission reimbursement and staff. The bill sets out the commission's powers, including the authority to adopt rules regarding matters relating to the selection of employees and the procedural and substantive rights, advancement, benefits, and working conditions of employees.

H.B. 2612 sets out procedures relating to an employee who is indicted for a felony or officially charged with the commission of a Class A or B misdemeanor. The bill sets out provisions relating to the authority of the chair of the commission to issue subpoenas and administer oaths. The bill creates a misdemeanor offense for a subpoenaed person who fails to appear as required by the subpoena and makes the offense punishable by a fine up to \$1,000, confinement in the county jail for not more than 30 days, or both the fine and confinement.

H.B. 2612 provides for an appeals process for an employee who, on a final decision by the commission, is demoted, suspended, or removed from a position. The bill provides for exemptions from the civil service system and for the dissolution of the system by department or county election. The bill makes a civil service system created under the bill's provisions and in effect applicable to employees and departments to the exclusion of a civil service system in that county created under another law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.