

BILL ANALYSIS

H.B. 1049
By: Harless
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current practice, deputy sheriffs and deputy constables have an oath of office that expires at the end of the applicable officeholder's term of office at midnight. In many cases these deputies are not able to retake their oath immediately at that time. Questions have been raised regarding the authority of these deputies to act as peace officers after that midnight expiration but before a new oath is able to be administered. For those officeholders with even an average-sized agency, having all the deputies retake their respective oath of office at the same time creates a logistical issue. H.B. 1049 seeks to ease this burden by authorizing a person reappointed as a deputy sheriff, reserve deputy sheriff, or reserve deputy constable to continue to perform the duties of office before retaking the official oath.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 1049 amends the Local Government Code to authorize a person reappointed as a deputy sheriff, reserve deputy sheriff, or reserve deputy constable to continue to perform the duties of office before retaking the official oath. The bill requires the person to retake the oath as soon as possible after being reappointed.

EFFECTIVE DATE

September 1, 2021.