

- SUBJECT:** Requiring peace officer certification for a sheriff or constable to take office
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 5 ayes — Ramsay, G. Lewis, B. Brown, Farabee, Salinas  
0 nays  
4 absent — Chisum, Hilderbran, Krusee, Shields
- WITNESSES:** For — Charlie Campos, Jr., South Texas Justices of the Peace and Constables Association and Bexar County Constables Association; Gary Freeman, Justices of the Peace and Constables Association of Texas; Lou Rogers; *Registered but did not testify:* Bruce Elfant and Zane Hilger, Justices of the Peace and Constables Association of Texas  
  
Against — None
- BACKGROUND:** Texas Constitution, Art. 3, sec. 23, as amended in 1993, allows the Legislature to set qualifications for county sheriffs. A sheriff must hold a high school diploma or high school equivalency certificate and be eligible to be licensed as a peace officer under Government Code, secs. 415.058 and 415.059 (now codified as Occupations Code, ch. 1701).  
  
Similarly, Texas Constitution, Art. 3, sec. 18(g), added in 1997, allows the Legislature to set the qualifications for constables. Constables must have the same qualifications as sheriffs and must provide the commissioners' court evidence that they have completed the necessary training within 270 days of assuming office. Otherwise, the constable would forfeit the office and be liable for removal under *quo warranto* proceedings under Civil Practices and Remedies Code, ch. 66.
- DIGEST:** CSHB 385 would amend Local Government Code, sec. 85.0011 to require that a sheriff hold a permanent peace officer's license under Occupations Code, ch. 1701. It also would amend Local Government Code, sec. 86.0021 to require that a constable hold a permanent peace officer's license under Occupations Code, ch. 1701 in order to serve. A constable would have to

show evidence of that certification to the commissioners' court.

The effective date would be September 1, 2001, and would not apply to any sheriff or constable now holding office.

**SUPPORTERS  
SAY:**

CSHB 385 would ensure that anyone assuming the office of sheriff or constable be fully qualified on the day that person takes office. Both jobs put the office holder into potentially dangerous positions that require a person to be fully trained and prepared to serve as a peace officer.

Training that meets the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) standards can be obtained throughout the state. A person can attend a sheriff's department academy, community or junior college, or the law enforcement training academy offered through Texas A&M to help become TCLEOSE certified.

Anyone running for sheriff or constable should be aware of the requirements and deadlines for completing TCLEOSE training and should be able to finish in time to be qualified when it is time to take office. Only a few persons should be disqualified by this standard, a number comparable to that constables failing to meet the current 270-day standard.

**OPPONENTS  
SAY:**

A person may not have adequate time to complete TCLEOSE training in the period between a general election in November and taking office in January. If the current officeholder could not continue, the position might remain vacant.

**NOTES:**

HB 385 as originally filed would have required a person to hold a permanent peace officer's license under Occupations Code, ch. 1701 before becoming a candidate for either sheriff or constable.