

SUBJECT: Limiting the suspension or removal of a deputy sheriff under civil service

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 7 ayes — W. Smith, Naishtat, Bolton, Farabee, Heflin, Leibowitz, T. Smith

1 nay — Harless

1 absent — Coleman

WITNESSES: (*On original version:*)  
For — Chris W. Jones, Combined Law Enforcement Associations of Texas; Marvin Ryals, El Paso County Sheriff's Officers Association Cleat Regional Director 4B; Kevin Quinn; (*Registered, but did not testify:* Roger Dovalina, Deputy Sheriff's Association of Bexar County; Alex Leo, Travis County Sheriff's Officers Association)

Against — Juan Jorge, Harris County Sheriff's Office

BACKGROUND: Local Government Code, ch. 158 creates a sheriff's civil service commission for counties with populations greater than 500,000 and, under certain circumstances, also allows it for counties with populations of 200,000 or more. Civil servants may be fired only for cause, which creates a conflict with Local Government Code, sec. 85.003, which indicates that deputy sheriffs serve at the pleasure of the elected sheriff.

Current law requires deputy sheriffs to be re-commissioned every time a new sheriff is elected, which can subject deputies to being relieved just as they reach retirement age because of a conflict with an elected official, or because the newly elected sheriff wants to remove deputies who served under the old sheriff. Also, current law requires an automatic revocation of an appointment of a deputy if indicted for a felony.

DIGEST: CSHB 2283 would stipulate that a deputy operating in a civil service system could be suspended or removed only for a violation of a civil service rule. The bill also would make it optional for a sheriff to revoke the appointment of a deputy upon indictment for a felony.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

NOTES:

The committee substitute would make it optional for a sheriff to revoke an appointment of a deputy upon indictment for a felony. The original version would have completely eliminated the current provision requiring an automatic revocation of a deputy's appointment upon a felony indictment.

HB 2283 originally was set on the April 25 General State Calendar and was recommitted to committee on April 23.