

1-1 By: Harless, et al. (Senate Sponsor - Huffman) H.B. No. 1049
 1-2 (In the Senate - Received from the House April 14, 2021;
 1-3 April 19, 2021, read first time and referred to Committee on
 1-4 Criminal Justice; May 6, 2021, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 6, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the requirement for a deputy sheriff, reserve deputy
 1-18 sheriff, deputy constable, or reserve deputy constable to take an
 1-19 official oath.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 85.003, Local Government Code, is
 1-22 amended by amending Subsection (b) and adding Subsection (b-1) to
 1-23 read as follows:

1-24 (b) Except as provided by Subsection (b-1), a [A] person
 1-25 appointed as a deputy, before beginning to perform the duties of
 1-26 office, must take and subscribe the official oath, which, together
 1-27 with the certificate of the officer administering the oath, must be
 1-28 endorsed on the appointment. The appointment and oath shall be
 1-29 deposited and recorded in the county clerk's office. A list of the
 1-30 appointments shall be posted in a conspicuous place in that office.

1-31 (b-1) A person reappointed as a deputy may continue to
 1-32 perform the duties of office before retaking the official oath. The
 1-33 deputy must retake the oath as soon as possible after being
 1-34 reappointed.

1-35 SECTION 2. Section 85.004, Local Government Code, is
 1-36 amended by amending Subsection (c) and adding Subsection (c-2) to
 1-37 read as follows:

1-38 (c) Except as provided by Subsection (c-1) or (c-2), a
 1-39 reserve deputy, before beginning to perform the duties of office
 1-40 and at the time of appointment, must file an oath and execute and
 1-41 file a bond in the amount of \$2,000 payable to the sheriff. The
 1-42 oath and bond shall be filed with the county clerk.

1-43 (c-2) A person reappointed as a reserve deputy may continue
 1-44 to perform the duties of office before retaking the official oath.
 1-45 The reserve deputy must retake the oath as soon as possible after
 1-46 being reappointed.

1-47 SECTION 3. Section 86.011(b), Local Government Code, is
 1-48 amended to read as follows:

1-49 (b) Each deputy constable must qualify in the manner
 1-50 provided for deputy sheriffs under Section 85.003.

1-51 SECTION 4. Section 86.012, Local Government Code, is
 1-52 amended by amending Subsection (c) and adding Subsection (c-2) to
 1-53 read as follows:

1-54 (c) Except as provided by Subsection (c-1), a reserve deputy
 1-55 constable must take the official oath and must execute a bond in the
 1-56 amount of \$2,000, payable to the constable. The oath and bond must
 1-57 be filed with the county clerk of the county in which the
 1-58 appointment is made. Except as provided by Subsection (c-2), the
 1-59 [The] oath and bond must be given before the reserve deputy
 1-60 constable's entry on duty and simultaneously with the officer's
 1-61 appointment.

2-1 (c-2) A person reappointed as a reserve deputy constable may
2-2 continue to perform the duties of office before retaking the
2-3 official oath. The reserve deputy constable must retake the oath as
2-4 soon as possible after being reappointed.

2-5 SECTION 5. This Act takes effect September 1, 2021.

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