

CHAPTER 985

S.B. No. 339

AN ACT

relating to the qualifications of sheriffs.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 415.015, Government Code, is amended to read as follows:

(c) This chapter does not affect a constable or other officer or county jailer elected under the Texas Constitution before September 1, 1985, and does not affect a *person who held the office of sheriff before January 1, 1994.*

SECTION 2. Section 415.053, Government Code, is amended to read as follows:

Sec. 415.053. LICENSING OF CERTAIN LAW ENFORCEMENT OFFICERS ELECTED UNDER TEXAS CONSTITUTION OR STATUTE. An officer, *including a sheriff*, elected under the Texas Constitution or a statute or appointed to fill a vacancy in an elective office must be licensed by the commission not later than two years after the date that the officer takes office. The commission shall establish requirements for licensing and for revocation, suspension, cancellation, or denial of a license of such an officer. It is incompetency and a ground for removal from office under Title 100, Revised Statutes, or any other removal statute if an officer to whom this section applies does not obtain the license by the required date or does not remain licensed.

SECTION 3. Subchapter A, Chapter 85, Local Government Code, is amended by adding Section 85.0011 to read as follows:

Sec. 85.0011. QUALIFICATIONS. A person is not eligible to serve as sheriff unless the person:

- (1) has a high school diploma or a high school equivalency certificate; and*
- (2) is eligible to be licensed under Section 415.058 and 415.059, Government Code.*

SECTION 4. The change in law made by Section 85.0011, Local Government Code, as added by this Act, applies only to a person first elected or appointed to the office of sheriff on or after the effective date of this Act. A person elected or appointed to the office of sheriff before the effective date of this Act is covered, for the remainder of the term for which the person was elected or appointed, or for any subsequent term for which the person serves as sheriff, by the law relating to qualifications and continuing education in effect when the person was first elected or appointed, and the former law is continued in effect for that purpose. Changes made to Subchapter A, Chapter 85, Local Government Code, by Section 85.0011, as added by this Act, do not apply to a person first elected or appointed before the effective date of this Act.

SECTION 5. This Act takes effect on the date on which the constitutional amendment proposed by Section 1, S.J.R. No. 18, 73rd Legislature, Regular Session, 1993, takes effect. If that amendment does not take effect, this Act has no effect.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be

suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed the Senate on May 3, 1993: Yeas 31, Nays 0; the Senate concurred in House amendment on May 28, 1993, by a viva-voce vote; passed the House, with amendment, on May 22, 1993, by a non-record vote.

Approved June 19, 1993.

Effective upon approval by the voters of constitutional amendment proposed by Acts 1993, 73rd Leg., S.J.R. No. 18.