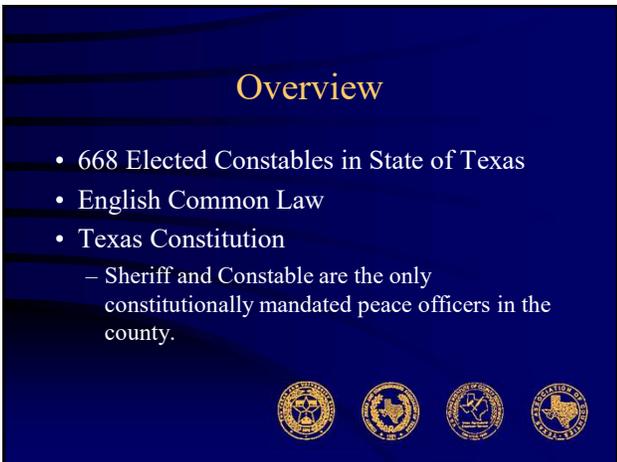




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3

History

- First Appointment in 1823
- Peace Officer Status acquired by Congress of the Republic in 1836



4

Constitutional Authority

- Texas Constitution Article 5, Section 18 provides election every 4 years along with the Sheriff
- Sheriffs and Constables are the only Constitutionally mandated peace officers in the County.
- Number of Pcts. is population based



5

Duties and Responsibilities

- Current Legal Authority
 - TX Local Government Code Section 86.021
 - Outlines the general powers and duties
 - Execute criminal and civil process
 - May execute process anywhere in the County or in the contiguous county
 - Attend each justice court held in the precinct



6

Code of Criminal Procedure

- Current Legal Authority
 - Texas Code of Criminal Procedure (Article 2.12[2]) defines the Constable as a Texas Peace Officer
 - Tx. CCP 2.13 defines the duties and powers of a Texas Peace Officer



7

Qualifications

- Texas Local Government Code 86.0021- Qualifications
 - Must be eligible to be licensed under 1701.309 and 1701.312 Occupations Code
 - 21 years old, not convicted of a felony
 - Associates degree or special investigator or honorably retired peace officer or federal criminal investigator or
 - Has an active or inactive peace officer license



8

Assuming Office

- Official Oath
 - Filed with the County Clerk
- Official Bond
 - Sureties or Surety Company
- Liability
 - Improper levy or execution
 - Unlawful arrest
 - Assaults and personal injury
 - Improper use and collection of fines and fees



9

Assuming Office

- Texas Local Government Code 86.0021-
Qualifications
 - On or before the 270th day after the date a constable takes office, the constable shall provide, to the commissioners court of the county in which the constable serves, evidence that the constable has been issued a permanent peace officer license under Chapter 1701, Occupations Code.



10

Regulatory Agency

- Texas Commission on Law Enforcement
and Education
 - Maintains Certification records
 - Maintains Mandated training records
 - Reports failure to comply to the Attorney
General



11

Certification Requirements

- Texas Local Government Code 86.0021
 - (b) on or before the 270th day after taking office, shall provide to the commissions court of the county evidence that the constable has been issued a permanent peace officer under Chapter 1701 Occupations Code.



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Certification Requirements

- Texas Occupations Code 1701.35 requires
- Newly elected Constables to take 40 hr. course within first 2 years
 - Continuing education of 40 hr course within 4 years
 - 20 hour Civil Process class within 4 years



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Assuming Office

- Office Vacancy
 - May be filled by a majority of Commissioners Court
- Office Dormant
 - Comm Court may declare office dormant if 7 consecutive years has passed as vacant
- Holdover Statute
 - Requires an office holder to remain in office until there is a legal successor



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Subject to Removal

- Subject to Removal
 - Texas Constitution Article 5, Section 24
 - Authority Representing State District or County Attorney
- Local Government Code, Chapter 87
 - District Judge and by Jury trial
- Civil Practice and Remedies Code, Chapter 66 Quo Warranto (AG or Co or Dist atty)



15

Basic Responsibilities

- Jurisdiction
 - Precinct
 - County
 - Contiguous
 - State Peace Officer
- Justice Court
 - Civil Process
 - Warrants

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Basic Responsibilities

- Duties required of Constables
- Shall execute & return each process, warrant, & precept directed to the constable (Texas Local Govt Code, Ch 86)
- Shall attend each justice court in the precinct -TLGC
- Shall notify citizens of jury service on a date designated by the judge TLGC
- May execute any civil or criminal process throughout the county where the precinct is located as provided by the Code of Criminal Procedure or any other law.

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Basic Responsibilities

- Financial Transactions
 - Money Collected
 - Accounts
- Seized Property
 - Care & Storage

18

Appointing Staff

- Appointing Deputies
 - Must submit an application indicating the name to commissioner's court
- Powers of the Deputy
 - Constable is responsible for the official acts of the deputy including wrongful conduct
- Bonding the Deputy may be required



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Liability Issues

- Due Diligence - expected from & exercised by a reasonable and prudent person under the particular circumstances. Black's Law
- Case law - establishes liability if due diligence is not performed on a duty imposed by law.



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Liability Issues

- Failure or refusal to execute and return any process, warrant, or precept lawfully directed to any constable, Plaintiff may file a motion for contempt. -Texas Local Government Code
- Duty to protect & secure all personal property levied upon. -Texas Civil Practice & Remedies Code
- Improper writ endorsement, failure to levy, false return on a writ, the officer and sureties are for the full amount of the debt plus interest and costs. TCP&RC



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Duties Constables May Perform In Their County (*and do so in various counties of this state)

- Mental Health Warrants
- Juvenile Warrants
- Traffic Enforcement
- Illegal dumping
- Environmental Crimes
- Enforcement of Livestock Estray
- Animal Cruelty
- Courthouse and Courtroom Security
- Patrol of County Parks and Lakes
- May serve District and County Courts



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ATTORNEY GENERAL OPINIONS

- JC-0514 Whether a constable who fails to provide evidence of permanent peace officer licensure under section 86.00221 (b) Of the Local Government Code automatically forfeits his office, and related questions (RQ-0484-JC)



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More Opinions

- JC-0140 Whether commissioners court is required to fill a vacancy in the office of constable
- JC-0413 Duties of constable under section 86.021 of the Texas Local Government Code (failure of a duty to execute due to shortage of deputies)



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More Opinions

- JM-770 Authority of a commissioners court to place restrictions upon payment of a constable's salary and office expenses



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Summary

- History
- Responsibilities
- Contribution



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