

## **BILL ANALYSIS**

Senate Research Center

S.B. 2197  
By: Williams  
Jurisprudence  
8/19/2009  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Some constables in Texas avoid serving civil process while on duty in order to carry out the same activities off-duty for pay.

S.B. 2197 amends current law relating to fees paid to a constable for serving civil process.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 86.021(d), Local Government Code, to provide that all civil process served by a constable at any time or place is presumed to be served in the constable's official capacity if, under the law, the constable is authorized to serve that process in the constable's official capacity. Prohibits a constable, under any circumstance, from retaining a fee paid for serving civil process in the constable's official capacity other than the constable's regular salary or compensation. Requires that any fee paid to a constable for serving civil process in the constable's official capacity be deposited with the county treasurer of the constable's county.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.