

Constable qualifications as changed by HB 1588 79th Regular Session of the Texas Legislature
Local Government Code 86.0021 Qualifications; Removal

(a) A person is not eligible to serve as constable unless:

(1) the person is eligible to be licensed under Sections 1701.309 and 1701.312, Occupations Code, and: (A) has at least an Associate's Degree conferred by an institution of higher education accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board; (B) is a special investigator under Article 2.122(a), Code of Criminal Procedure; or (C) is an honorably retired peace officer or honorably retired federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupations Code; or (2) the person is an active or inactive licensed peace officer under Chapter 1701, Occupations Code. (b) 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. A constable who fails to provide evidence of licensure under this subsection or who fails to maintain a permanent license while serving in office forfeits the office and is subject to removal in a [quo warranto](#) proceeding under Chapter 66, Civil Practice and Remedies Code. (c) The license requirement of Subsection (b) supersedes the license requirement of Section 1701.302, Occupations Code.

A common reading of these changes indicate that you must meet the specified qualifications to “serve” as constable in an either/or circumstance. If you are not currently or have been a Texas Commission on Law Enforcement Officers Standards and Education (or [TCLEOSE](#)) certified peace officer, an honorably retired Texas peace officer or Federal criminal investigator, you must have at least an Associates Degree from a college accepted by the Texas Higher Education Coordinating Board.

Nothing here indicates any qualifications necessary to run for the office, only for having those qualifications necessary to take the oath and “serve” as constable. Any person failing to meet those qualifications is subject to removal and those eligible to take the oath must provide the evidence of licensure to his commissioner’s court. A person eligible to serve without the license upon taking the oath has 270 days to obtain it or maintain it falls under the forfeiture of office of section (b). We do not purport this to be a definitive legal opinion, but simply a generally held understanding of the legislative intent and language of the statute as altered.

The duties of a Texas constable generally include providing [bailiffs](#) for the [justice of the peace](#) court(s) within his precinct and serving process issued there and from any other court. Moreover, some constables’ offices limit themselves to only these activities but others provide patrol, investigative, and security services as well.