



RQ-676

Fred Toler
Executive Director

Texas Commission on
Law Enforcement Officer Standards and Education
1033 LA POSADA, SUITE 240 AUSTIN, TEXAS 78752

Phone: 512-450-0188

February 22, 1994

SJS

The Honorable Dan Morales -
Attorney General of Texas
Price Daniel Sr. Building
209 West 14th Street
Austin, Texas 78701

FILE # ML-24809-94

FEB 24 94

I.D.# 24809

Attention: Ms. Madeleine B. Johnson
Chair, Opinion Committee

RE: The public interest and concerning the official duty of the Texas Commission on Law Enforcement Officer Standards and Education

Dear General Morales:

Pursuant to Section 402.042 of the Government Code, I hereby request an official Attorney General's Opinion regarding a matter affecting the public interest and concerning the official duty of the Texas Commission on Law Enforcement Officer Standards and Education ("Commission").

Texas Government Code, Chapter 415, Section 415.060(a) states; The commission may establish procedures for the revocation of any license that it grants under this chapter, except a license of an officer elected under the Texas Constitution.

Texas Government Code, Chapter 415, Section 415.053 as amended by the 73rd Legislature in 1993 states in part; 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.

Texas Government Code, Chapter 415, Section 415.015(c) as amended by the 73rd Legislature in 1993 states; 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.

The amendments to Government Code Chapter 415, Sections 415.053 and 415.015(c) were included as a part of SB 339, effective November 2, 1993 upon approval of constitutional amendment as proposed by Section 1, S.J.R. No. 18, 73rd Legislature, Regular Session, 1993.

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Does the above cited legislation:

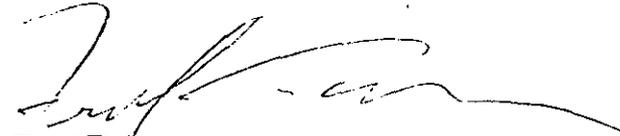
(1) Authorize the Commission to revoke the license of an officer elected under the Texas Constitution including both a Sheriff and Constable?

(2) If so, is the authority to revoke the license limited to a Constable who takes office on or after September 1, 1985 and a sheriff who takes office on or after January 1, 1994?

If you have any questions or if we can provide you with additional information, please contact Mr. Truman Lewis, Assistant Director, at (512) 450-0188.

Sincerely,

TEXAS COMMISSION ON LAW ENFORCEMENT
OFFICER STANDARDS AND EDUCATION



Fred Toler
Interim Executive Director

FT/wg

Enclosures

cc: Via U.S. Mail -
TCLEOSE Commissioners

Via Intra-Agency Mail
Mr. Fred Toler, Interim Executive Director
Mr. Truman Lewis, Assistant Director