

CONSTABLE

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CONSTABLE

The constable is elected to a constitutionally created office (Tex. Const. Art. V, Sec. 18) for four years within each justice precinct. The constable is an authorized peace officer and is the chief process server of the justice court. The constable has statewide jurisdiction to execute any criminal process, and countywide jurisdiction to execute any civil process. The constable may also execute process issued by some state agencies.

The constable also has duties related to keeping accounts of the financial transactions of the office and is responsible for property seized or money collected by court order.

In November 1983, voters approved a constitutional amendment authorizing fewer constable precincts in certain counties. The number of justice of the peace and constable precincts in each county is to be determined by the population according to the most recent federal census. The amendment of Article V, Section 18 of the Texas Constitution took effect January 1, 1984.

CONSTABLE

DUTY/RESPONSIBILITY	AUTHORITY
1. DESCRIPTION OF OFFICE	
	Local Government Code
Effect of boundary change term of office;	Secs. 81.021; 86.001
Bond with sureties required to take office;	Sec. 86.002
May be removed from office for failure to give new bond when required;	Sec. 86.003
Must maintain permanent peace officer license status while in office;	Sec. 86.0021
Office no longer deemed vacant for failure or refusal to give bond and take oath;	Sec. 86.002
Vacancy filled by commissioners court;	Sec. 87.041
Removal from office by district judge for incompetence or official misconduct;	Secs. 87.012–87.014
Complete unfinished business of predecessor;	Sec. 86.025
Commissioners court divide county into precincts for election of constable;	Secs. 81.021; 71.022
	Texas Constitution
Transition from two-year to four-year term;	Art. XVI, Sec. 65
Elected in justice precinct for four years;	Art. V, Sec. 18
	Civil Practice and Remedies Code
Liable for damages resulting from neglect of duties.	Sec. 7.001
2. SERVICE OF PROCESS	
The constable is the chief process server of the justice of the peace court, serves a variety of judicial processes and notices, and is responsible for property seized under such actions.	

DUTY/RESPONSIBILITY	AUTHORITY
2. SERVICE OF PROCESS, continued	
	Local Government Code
Shall execute and return all processes, warrants, and precepts directed by lawful officers; attend upon all justice courts in his precinct;	Sec. 86.021
May serve eviction notices out of uniform as a private process server.	Sec.154.005(d)
May execute any civil or criminal process, throughout county and otherwise;	Sec. 86.021
Subject to fine for contempt (fine for benefit of party injured) for failure or refusal to execute or return process;	Sec. 86.024
Responsible on his bond for failure to pay money collected;	Sec. 86.023
Execute process issued by commissioners court;	Sec. 81.022
Serve notice of termination of surety of public officials;	Sec. 88.003
	Government Code
Execute process issued by proper officer of any court martial in state military forces;	Sec. 432.188
Summon jurors for justice court in counties of 2.8 million;	Sec. 62.411
	Agriculture Code
Seize and impound animals and notify owner, if known; give proper notice and sell impounded animals at public auction;	Sec. 142.001 et seq.
	Civil Practices and Remedies Code
Subject to suit within five years for not returning execution;	Sec. 16.007
	Texas Rules of Civil Procedure
All civil process may be served by a constable (or sheriff) of the county in which party to be served is found;	Rule 103
Writs and process directed at constable or sheriff (form);	Rules 15, 16, 17
Serve issued citation by means of publication;	Rules 116, 117

DUTY/RESPONSIBILITY	AUTHORITY
2. SERVICE OF PROCESS, continued	
	Texas Rules of Civil Procedure
Serve and return temporary injunction;	Rules 688, 689
Execute subpoenas;	Rule 176 et seq.
Summon persons to complete jury;	Rule 504.2
May sell perishable, seized personal property upon order of justice of the peace;	Rule 600
Make written return of such sale and pay proceeds to county clerk or justice of the peace;	Rule 604
Make report concerning disposition of property;	Rule 607
Execute and return distress warrant;	Rule 610 et seq.
Sell perishable property seized under distress warrant or writ of sequestration;	Rules 615, 710
Make written return of such;	Rule 618
Carry out execution of judgment;	Rule 637
Execute and return writ of garnishment;	Rule 663
Execute writ of sequestration;	Rule 699
	Estates Code
Serve and return notices and citations in probate matters;	Sec. 51.051 et seq
3. LAW ENFORCEMENT DUTIES	
The constable has several law enforcement duties as peace officer.	
	Local Government Code
May assist other law enforcement officers under interlocal agreements;	Secs. 362.001; 362.002; 362.003
	Transportation Code
May confiscate illegally placed outdoor signs;	Sec. 393.003

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DUTY/RESPONSIBILITY	AUTHORITY
3. LAW ENFORCEMENT DUTIES, continued	
	Transportation Code
May enforce state traffic regulations;	Chapter 541 et seq.
Must display badge before enforcing traffic laws;	Sec. 720.001
Designation by commissioners court of constable or deputy as a weight enforcement officer for county roads;	Sec. 621.4015
	Health and Safety Code
May obtain warrant to impound cruelly-treated animals;	Chapter 821
	Parks and Wildlife Code
Assist federal government with law enforcement in parks and recreational areas owned by Army;	Sec. 11.019 note
	Texas Code of Criminal Procedure
May arrest without warrant for felonies or offenses against public peace committed in his view;	Art. 14.01
May arrest without a warrant by order of magistrate for offenses committed in magistrate's view;	Art. 14.02
May request prosecuting attorney to seek judicial approval of interception of certain communications;	Art. 18.21 [repealed 2017]
	Penal Code
May seek prosecution for interference (other than speech) with the exercise of official duties;	Sec. 38.15
May seek prosecution for taking a firearm from a peace officer.	Sec. 38.14
4. PERSONNEL DUTIES	
The constable has duties regarding other county personnel.	

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DUTY/RESPONSIBILITY	AUTHORITY
4. PERSONNEL DUTIES, continued	
	Local Government Code
Apply to commissioners court for deputies, assistants, or clerks (appointment, salaries described);	Sec. 151.001 et seq.
May appoint deputy constables (with application to commissioners court);	Sec. 86.011
Responsible for official acts of deputies and may require bond and security;	Sec. 86.011
Shall not incur liability for personal injury of reserve deputy constable;	Sec. 86.012
May be authorized by commissioners court to appoint reserve deputy constables (number may be limited by court);	Sec. 86.012
Complete unfinished business of predecessor;	Sec. 86.025
	Government Code
May adjourn court (at default of sheriff) if county judge fails to appear;	Sec. 26.003
Benefits and financial assistance for survivors of peace officers killed in line of duty;	Chapter 615
May purchase firearm from county upon honorable retirement;	Chapter 614
Provide court security officers.	Chapter 158
Exercise authority under statute allowing the transfer of service animals, including horses and dogs, to former handlers.	Sec. 614.211 et seq.
5. STATE AGENCIES	
The constable has duties and responsibilities related to state agencies.	
	Occupations Code
Subject to standards developed by the Commission on Law Enforcement;	Sec. 1701.003
	Government Code
Made associate member of Texas Department of Public Safety;	Sec. 411.009
Cooperate with director of public safety in crime prevention and public safety;	Sec. 411.009
Comply with order for cooperation from director of public safety;	Sec. 411.009

DUTY/RESPONSIBILITY	AUTHORITY
5. STATE AGENCIES, continued	
	Government Code
Execute process issued by proper officer of any court martial in state military forces;	Sec. 432.188
Serve process and execute orders of State Commission on Judicial Conduct;	Sec. 33.028
	Agriculture Code
May assist in the enforcement of the Nursery Stock Act (diseased plants);	Sec. 71.049
May assist state entomologist to serve all papers, orders, summons, and writs;	Sec. 131.104
	Natural Resources Code
Execute all processes issued by the Texas Railroad Commission.	Sec. 81.092
6. RECORDKEEPING, COMPENSATION, AND FINANCIAL TRANSACTIONS	
The constable has duties related to keeping accounts of the financial transactions of his office, collecting fees, and compensation.	
	Local Government Code
Accounting forms used by constable to be prescribed by county auditor;	Secs. 112.001;112.002
Constable's accounts subject to examination by county auditor or treasurer;	Sec. 115.901
Make settlement of accounts and fees collected into salary fund (general fund);	Sec. 154.001 et seq.
Keep a correct statement of all fees, deposits, and trust funds;	Sec. 114.041
Entitled to charge expenses for conduct of office;	Secs. 154.024; 154.044
Itemize fees charged for person chargeable;	Sec. 118.131 et seq.
	Vernon's Revised Civil Statutes
May receive reduced transportation rate for official business;	Art. 4015d

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DUTY/RESPONSIBILITY	AUTHORITY
6. RECORDKEEPING, COMPENSATION, AND FINANCIAL TRANSACTIONS, continued	
	Government Code
Post complete list of fees in office;	Sec. 603.008
Liable to aggrieved party for excessive fees charged;	Sec. 603.010
	Texas Constitution
Constables to be compensated on salary basis;	Art. XVI, Sec. 61
	Texas Code of Criminal Procedure
Keep fee book.	Art. 103.009