



- Chairman of Committee on Criminal Jurisprudence
- Member of Committee on Judicial Affairs

Texas House of Representatives

District 40: (part) McAllen, Elsa, Edcouch, Edinburg & San Carlos

# Juan J. Hinojosa

August 10, 2000

OPINION COMMITTEE

AUG 14 2000

Honorable John Cornyn  
Texas Attorney General  
P.O. Box 12548  
Austin, TX 78711-2548

RECEIVED

RO-0267-JC

FILE # MM-41561-00

I.D. # 41561

Re: Hidalgo County Sheriff's Dept. Request for Opinion

Dear Attorney General Cornyn:

I am requesting an opinion on behalf of the Hidalgo County Sheriff's Department regarding disciplinary action against a civil service employee.

In November of 1994, the citizens of Hidalgo County, Texas, voted to institute Civil Service. The sheriff's department is, therefore, under County Civil Service of the Local Government Code, Chapter 158, subchapter A. In 1995, Hidalgo County Sheriff Enrique Escalon asked the Civil Service Commission to have his deputy sheriff's be designated as employees and be covered by civil service. Temporary rule 2.18 of the Hidalgo County, Texas Civil Service Commission states that an employee includes "deputy sheriffs and deputy constables who shall be considered employees."

I am requesting an opinion on the following questions:

1. Is there a time limit for taking disciplinary action against an employee of the sheriff's department upon discovery of a violation of law and/or civil service rule violation?

Example: If an employee committed an act of misconduct (misdemeanor or felony) or violated a civil service rule in 1995, but this act was not discovered until 1999, can disciplinary action be taken against that employee?

2. Under the Local Government Code, Municipalities and Counties with a population of 1.5 million (Municipalities) or 2.5 million (Counties) have Procedures and Felony Indictment or other crime of Moral Turpitude (143.1017), and Procedures after Felony Indictment or Misdemeanor Complaint (158.0351). Do any of these procedures apply to a county with a population under 600,00?

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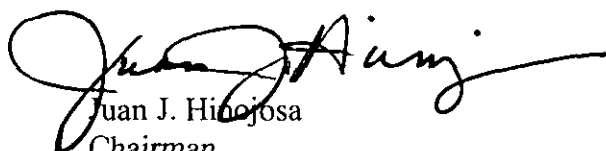
Honorable John Cornyn

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3. If a county employee is suspended under these conditions, violation of law and/or Civil Service Rule and the department head is considering ordering an indefinite suspension, is the sheriff's department required to file with the attorney general a statement within 180 days as stated in section 143.1017 (h)?

Your attention to this request is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Juan J. Hinojosa". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Juan J. Hinojosa

Chairman

Committee on Criminal Jurisprudence

cc: Ramiro Castellano

Hidalgo County Chief Deputy Sheriff