

Vernon's Texas Statutes and Codes Annotated
Local Government Code (Refs & Annos)
Title 3. Organization of County Government
Subtitle B. Commissioners Court and County Officers
Chapter 85. Sheriff
Subchapter A. Sheriff and Sheriff's Personnel

V.T.C.A., Local Government Code § 85.001

§ 85.001. Oath and Bond

Effective: September 1, 2005
[Currentness](#)

- (a) A person elected as sheriff, before beginning to perform the duties of office, must execute a bond with:
- (1) two or more good and sufficient sureties; or
 - (2) a solvent surety company authorized to do business in this state.
- (b) The bond must be:
- (1) approved by the commissioners court of the county;
 - (2) made payable to the governor;
 - (3) in an amount established by the commissioners court, but not less than \$5,000 or more than \$30,000; and
 - (4) conditioned that the sheriff will:
 - (A) faithfully perform the duties of office established by law;
 - (B) account for and pay to the person authorized by law to receive them the fines, forfeitures, and penalties the sheriff collects for the use of the state or a county;
 - (C) execute and return when due the process and precepts lawfully directed to the sheriff, and pay to the person to whom they are due or to the person's attorney the funds collected by virtue of the process or precept; and
 - (D) pay to the county any funds illegally paid, voluntarily or otherwise, to the sheriff from county funds.

(c) The sheriff must take and subscribe the official oath, which, together with the certificate of the officer administering the oath, must be endorsed on the bond.

(d) A person elected or appointed as sheriff who has executed the bond and taken the official oath may enter at once on the duties of office, and that person's acts shall be as valid under law before the receipt of a commission as after the receipt of a commission.

(e) The bond is not void on the first recovery, but may be sued on from time to time in the name of any injured person until the entire amount of the bond is recovered.

(f) A sheriff or deputy sheriff is not liable on an official bond, and is not personally liable, for having received or confined a prisoner delivered or surrendered to the sheriff or deputy by a state ranger.

(g) Repealed by [Acts 1997, 75th Leg., ch. 973, § 1.](#)

Credits

[Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.](#) Amended by [Acts 1997, 75th Leg., ch. 973, § 1, eff. June 18, 1997;](#) [Acts 2005, 79th Leg., ch. 1094, § 17, eff. Sept. 1, 2005.](#)

Editors' Notes

REVISOR'S NOTE

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[V.A.C.S. Article 6686](#) requires a sheriff to post a bond payable to the governor “and his successors in office.” The revised law omits the reference to successors as unnecessary, since the bond is obviously payable to the office of the governor, rather than to the individual holding that office.

[Notes of Decisions \(37\)](#)

V. T. C. A., Local Government Code § 85.001, TX LOCAL GOVT § 85.001
Current through the end of the 2019 Regular Session of the 86th Legislature