

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

Vernon's Texas Statutes and Codes Annotated  
Government Code (Refs & Annos)  
Title 2. Judicial Branch (Refs & Annos)  
Subtitle A. Courts  
Chapter 25. Statutory County Courts (Refs & Annos)  
Subchapter A. General Provisions

V.T.C.A., Government Code § 25.0006

§ 25.0006. Bond; Removal

Effective: September 1, 2021

Currentness

(a) Notwithstanding any other law except Subsection (a-4), Subsections (a-1), (a-2), (a-3), and (a-5) control over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with those subsections.

(a-1) Before beginning the duties of the office, the judge of a statutory county court must execute a bond that:

(1) is payable to the treasurer of the county;

(2) is in the amount set by the commissioners court of:

(A) subject to Paragraph (B), not less than \$1,000 nor more than \$10,000; or

(B) for a judge presiding in the court over guardianship proceedings, as defined by [Section 1002.015, Estates Code](#), or over probate proceedings, as defined by [Section 22.029, Estates Code](#), not less than:

(i) \$100,000 for a court in a county with a population of 125,000 or less; or

(ii) \$250,000 for a court in a county with a population of more than 125,000; and

(3) is conditioned that the judge will:

(A) faithfully perform all duties of office; and

(B) for a judge presiding in the court over guardianship or probate proceedings, perform the duties required by the Estates Code.

(a-2) The bond executed as required by Subsection (a-1) must be approved by the commissioners court.

(a-3) In lieu of the bond required by Subsection (a-1)(2)(B), a county may elect to obtain insurance against losses caused by the gross negligence of a judge of a statutory county court in performing the duties of office. The commissioners court of a county shall pay the premium for the insurance out of the general funds of the county.

(a-4) This section does not apply to:

(1) a judge of a statutory county court who does not preside over guardianship proceedings, as defined by [Section 1002.015, Estates Code](#);

(2) a judge of a statutory probate court who executes a bond, obtains insurance, or self-insures pursuant to [Section 25.00231](#); or

(3) a judge who presides over a county criminal court.

(a-5) A bond executed under Subsection (a-1) by the judge elected or appointed to a statutory county court or an insurance policy obtained under Subsection (a-3) shall provide the same

coverage to a visiting judge assigned to the court or associate judge appointed to serve the court as the bond or insurance policy provides to the judge elected or appointed to the court.

(b) The judge of a statutory county court may be removed from office in the same manner and for the same reasons as a county judge.

### **Credits**

Added by Acts 1987, 70th Leg., ch. 148, § 4.01, eff. Sept. 1, 1987. Amended by Acts 2017, 85th Leg., ch. 515 (S.B. 40), § 1, eff. Sept. 1, 2017; Acts 2021, 87th Leg., ch. 521 (S.B. 626), § 66, eff. Sept. 1, 2021; Acts 2021, 87th Leg., ch. 576 (S.B. 615), § 26, eff. Sept. 1, 2021.

V. T. C. A., Government Code § 25.0006, TX GOVT § 25.0006

Current through the end of the 2023 Regular, Second, Third and Fourth Called Sessions of the 88th Legislature, and the Nov. 7, 2023 general election.

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 81. Commissioners Court (Refs & Annos)  
Subchapter A. Organization and Procedure

V.T.C.A., Local Government Code § 81.002

§ 81.002. Oath, Bond

Currentness

(a) Before undertaking the duties of the county judge or a county commissioner, a person must take the official oath and swear in writing that the person will not be interested, directly or indirectly, in a contract with or claim against the county except:

- (1) a contract or claim expressly authorized by law; or
- (2) a warrant issued to the judge or commissioner as a fee of office.

(b) A commissioner must execute a bond, payable to the county treasurer, in the amount of \$3,000. The bond must be approved by the county judge and must be conditioned on the faithful performance of the commissioner's official duties. The bond must also be conditioned that the commissioner:

- (1) will reimburse the county for all county funds illegally paid to the commissioner; and
- (2) will not vote or consent to make a payment of county funds except for a lawful purpose.

(c) Subject to the provisions of Chapter 171, the county judge or a county commissioner may serve as a member of the governing body of or as an officer or director of an entity that does business with the county, excluding a publicly traded corporation or a subsidiary, affiliate, or subdivision of a publicly traded corporation.

### **Credits**

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 475, § 1, eff. Aug. 28, 1989; Acts 1999, 76th Leg., ch. 62, § 13.02, eff. Sept. 1, 1999.

### **Editors' Notes**

#### **REVISOR'S NOTE**

##### **2021 Main Volume**

(1) The source law requires a county judge and a county commissioner to swear that he will not be interested in a contract with or a claim against “the county in which he resides.” “The county in which he resides” is another way of referring to the county in which the county officer holds office, since Article XVI, Section 14, of the Texas Constitution requires county officers to reside within their counties. The revised law omits the reference to “the county in which he resides” and, instead, simply refers to “the county” because “the county” as used in the revised law obviously means the county in which the county officer holds office.

(2) Because all payments are either voluntary or otherwise, the revised law dealing with a commissioner's bond omits reference to this distinction.

### **Notes of Decisions (29)**

V. T. C. A., Local Government Code § 81.002, TX LOCAL GOVT § 81.002

Current through the end of the 2021 Regular and Called Sessions of the 87th Legislature.

Vernon's Texas Statutes and Codes Annotated  
Constitution of the State of Texas 1876 (Refs & Annos)  
Article XVI. General Provisions

Vernon's Ann. Texas Const. Art. 16, § 1

§ 1. Official Oath

Effective: November 26, 2001

Currentness

Sec. 1. (a) All elected and appointed officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation:

“I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of \_\_\_\_\_ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.”

(b) All elected or appointed officers, before taking the Oath or Affirmation of office prescribed by this section and entering upon the duties of office, shall subscribe to the following statement:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.”

(c) Members of the Legislature, the Secretary of State, and all other elected and appointed state officers shall file the signed statement required by Subsection (b) of this section with the Secretary of State before taking the Oath or Affirmation of office prescribed by Subsection (a) of this section. All other officers shall retain the signed statement required by Subsection (b) of this section with the official records of the office.

**Credits**

Amended Nov. 8, 1938; Nov. 6, 1956; Nov. 7, 1989; Nov. 6, 2001, eff. Nov. 26, 2001.

## Editors' Notes

### INTERPRETIVE COMMENTARY

#### 2018 Main Volume

This section provides that members of the legislature and all state officials before taking office must subscribe to an oath of office exacting their support of the state and federal constitutions. It also provides that these officials must further swear that in their election they abstained from bribery of voters either directly or indirectly by offering or promising money or any valuable consideration for votes.

The oath of office first appeared in the *Constitution of 1845* (Art. 7, § 1), and contained a statement that the official had never participated in a duel. Dueling had been considered in need of some legislative curbing which it was thought that the oath supplied. While dueling was generally accepted, it was felt that holders of public office should be above dueling for the practice of challenging to a duel tended to interfere with candor of speech in legislative gatherings. In all succeeding constitutions, including the present constitution, this declaration on dueling appeared. The impossibility for a duelist to hold office in the state did much to render the “code of honor” an extinct custom, and this portion of the oath of office became outworn and useless and was thus abandoned in 1938 when the present oath of office was adopted.

The clause requiring a denial of bribery first appeared in the present constitution and was the direct outcome of the official corruption which had reached alarming proportions during the reconstruction period. It has been seriously questioned whether such a provision in an oath of office is of much effect, for it has been pointed out that men who bribe will have little hesitancy about falsification.

There was a time when oaths embarrassed falsehood. They may still be of some use in courts, when the judge can caution witnesses, and the perils of perjury can be emphasized. But taken upon entering office, oaths now accomplish little else than to lend dignity to the entrance upon public service and to honorable men bring home the seriousness of their responsibilities.

#### Notes of Decisions (66)

Vernon's Ann. Texas Const. Art. 16, § 1, TX CONST Art. 16, § 1

Current through the end of the 2021 Regular and Called Sessions of the 87th Legislature.

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