

# BILL ANALYSIS: HOUSE BILL 336

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## ISSUE

According to Texas Almanac, it is estimated that there are more than 3,000 unincorporated towns within the state of Texas ([Texas Almanac, n.d.](#)). An unincorporated town “does not have a local government,” but exist “by tradition,” and “typically do not have elected officials at the town level” ([Rampage, 2021](#)). Furthermore, unincorporated areas “are not part of a city,” as “the county has authority for law enforcement and road maintenance. Their local ordinances, rules, and police regulations are usually codified” ([OER Commons, n.d.](#)).

In 2019, Harris County estimated that there were 2,064,400 people living in unincorporated towns within Harris County according to a population report ([Harris County Budget Management Department, 2020, p. 2](#)). Similarly, a Houston-Galveston Area Council report from 2020 put the population of unincorporated Harris County at 1,968,822, while also listing the populations of several other surrounding counties ([Houston-Galveston Area Council, 2020](#); see **Figure 1**, next page). From this report, based on the author’s calculations, there were 3,598,775 people living in unincorporated towns in southeast Texas.

House Bill 336 ([2025](#)) seeks to grant sheriffs and constables the authority to enter into contract with landowners and property owner associations for the provision of law enforcement services. This bill would allow for Texans living in unincorporated towns all over the state to contract with more law enforcement services for their communities. This bill would allow for sheriffs and constables to be more effective and present within their counties and precincts.

## SECTION-BY-SECTION ANALYSIS

**Section 1** of HB 336 begins with adding a new section to Chapter 85 of the Texas Local Government Code. This addition begins by stating that the terms “Property owners’ association” and “Subdivision” retain their definitions from the Texas Property Code. This section states that this section of the bill only applies to counties with a population of 1 million or more. This section allows for a sheriff to enter into contracts with a property owners’ association or a landowner in a subdivision for the provision of law enforcement services within that sheriff’s county. Sheriffs may only do this “in and near the area managed or regulated by the association or the area owned by the owner; and to the persons residing in or visiting an area described by Subdivision (1).”

*continued*

**Figure 1: 2020 Population Data**

Place Name	Total Population	Census 2020	
		Population 18 Years and Over	Population below 18 Years
HGAC-13	7,297,022	5,424,704	1,872,318
HGAC-8	7,092,073	5,262,150	1,829,923
Austin County (Total)	30,167	23,157	7,010
Brazoria County (Total)	372,031	275,900	96,131
Chambers County (Total)	46,571	33,464	13,107
Colorado County (Total)	20,557	16,093	4,464
Fort Bend County (Total)	822,779	596,993	225,786
Galveston County (Total)	350,682	267,382	83,300
Harris County (Total)	4,731,145	3,519,584	1,211,561
Liberty County (Total)	91,628	67,304	24,324
Matagorda County (Total)	36,255	27,147	9,108
Montgomery County (Total)	620,443	458,324	162,119
Walker County (Total)	76,400	64,843	11,557
Waller County (Total)	56,794	43,199	13,595
Wharton County (Total)	41,570	31,314	10,256
Unincorporated Austin County	16,150	12,555	3,595
Unincorporated Brazoria County	120,813	91,648	29,165
Unincorporated Chambers County	27,103	19,336	7,767
Unincorporated Colorado County	11,340	9,103	2,237
Unincorporated Fort Bend County	487,457	343,556	143,901
Unincorporated Galveston County	36,804	28,308	8,496
Unincorporated Harris County	1,968,822	1,420,128	548,694
Unincorporated Liberty County	61,941	45,078	16,863
Unincorporated Matagorda County	13,799	10,795	3,004
Unincorporated Montgomery County	495,568	362,961	132,607
Unincorporated Walker County	29,023	23,890	5,133
Unincorporated Waller County	30,288	22,431	7,857
Unincorporated Wharton County	18,375	14,080	4,295
Incorporated Austin County	14,017	10,602	3,415
Incorporated Brazoria County	251,218	184,252	66,966

Section 1 concludes by stating that the commissioners court of the sheriff's county may not prohibit or otherwise restrict the sheriff's ability to contract under this section. Similarly, the sheriff is delegated authority to enter into contract and determine the terms of the contract. The sheriff may do this regardless of whether the commissioners court approves of the said contract or its terms.

**Section 2** begins by adding a new section to Chapter 86 of the Texas Local Government Code. This addition begins by stating that the terms "Property owners' association" and "Subdivision" retain their definitions from the Texas Property Code. This section states that this section of the bill only applies to counties with a population of 1 million or more. This section allows for a constable to enter into contracts with a property owners' association or a landowner in a subdivision for the provision of law enforcement services within that constable's precinct. Constables may only do this "in and near the area managed or regulated by the association or the area owned by the owner; and to the persons residing in or visiting an area described by Subdivision (1)."

Section 2 concludes by stating that the commissioners court of the constable's county may not prohibit or otherwise restrict the constable's ability to contract under this section. Similarly, the constable is delegated authority to enter into contract and determine the terms of the contract. The constable may do this regardless of whether the commissioners court approves of the said contract or its terms.

**Section 3** begins by adding a new section to Chapter 130 of the Texas Local Government Code. This addition begins by stating that this section only applies to counties that have a population of 1 million or more. The section then establishes that a county may not transfer money appropriated to the office of a sheriff or constable to the general revenue fund of the county or any other county account, nor may a county prohibit the office of a sheriff or constable from spending money appropriated to the office for any lawful purpose. Regarding money received under a contract entered into under this bill, the commissioners court of the county of the sheriff or constable shall credit the money to the office of the constable or sheriff and may not credit it to the general revenue fund of the county. The commissioners court may not reduce the appropriation to the sheriff or constable's office by the amount of money received because said money is considered as part of the office's appropriation for the county fiscal year in which the money is received.

Section 3 concludes by stating that the county may not prohibit or otherwise restrict the use of money that is described under subsection (b) by the constable or sheriff for a lawful purpose if the county auditor or county treasurer determines that the money is available to the office of the sheriff or constable, as applicable.

**Section 4** states that this act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house. If the bill does not receive a two-thirds vote from each chamber, then the bill takes effect September 1, 2025.

## **RECOMMENDATION**

- To promote community engagement and transparency, introduce a requirement for public disclosure of contracts and opportunities for public input before agreements take effect. This can help garner community support and address any concerns before implementation.

## REFERENCES

Harris County Budget Management Department. (2020). *FY 2020 population report*. [https://budget.harriscountytx.gov/doc/Budget/fy2020/approved\\_budget/FY20\\_Population\\_Report.pdf](https://budget.harriscountytx.gov/doc/Budget/fy2020/approved_budget/FY20_Population_Report.pdf)

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