88R12422 MEW-D

By:  Moody H.B. No. 4504

A BILL TO BE ENTITLED

AN ACT

relating to the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. NONSUBSTANTIVE REVISION OF CERTAIN PROVISIONS OF THE CODE OF CRIMINAL PROCEDURE

SECTION 1.001.  Title 1, Code of Criminal Procedure, is amended by adding Chapters 2A, 2B, 13A, 31A, 45A, and 55A to read as follows:

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Art. 2A.002.  SPECIAL INVESTIGATORS

Art. 2A.003.  PEACE OFFICERS COMMISSIONED BY TRIBAL

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Art. 2A.004.  PEACE OFFICERS FROM ADJOINING STATES

Art. 2A.005.  RAILROAD PEACE OFFICERS

Art. 2A.006.  SPECIAL RANGERS OF TEXAS AND SOUTHWESTERN

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CHAPTER 2A. OFFICERS; POWERS AND DUTIES

SUBCHAPTER A. TYPES OF PEACE OFFICERS

Art. 2A.001.  PEACE OFFICERS GENERALLY. The following are peace officers:

(1)  a sheriff, a sheriff's deputy, or a reserve deputy sheriff who holds a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2)  a constable, a deputy constable, or a reserve deputy constable who holds a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3)  a marshal or police officer of a municipality or a reserve municipal police officer who holds a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4)  a ranger, officer, or member of the reserve officer corps commissioned by the Public Safety Commission and the director of the Department of Public Safety;

(5)  an investigator of a district attorney's, criminal district attorney's, or county attorney's office;

(6)  a law enforcement agent of the Texas Alcoholic Beverage Commission;

(7)  a member of an arson investigating unit commissioned by a municipality, a county, or the state;

(8)  an officer commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;

(9)  an officer commissioned by the Texas Facilities Commission;

(10)  a law enforcement officer commissioned by the Parks and Wildlife Commission;

(11)  an officer commissioned under Chapter 23, Transportation Code;

(12)  a municipal park and recreational patrol officer or security officer;

(13)  a security officer or investigator commissioned as a peace officer by the comptroller;

(14)  an officer commissioned by a water control and improvement district under Section 49.216, Water Code;

(15)  an officer commissioned by a board of trustees under Chapter 54, Transportation Code;

(16)  an investigator commissioned by the Texas Medical Board;

(17)  an officer commissioned by:

(A)  the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;

(B)  the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code;

(C)  the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code; or

(D)  the board of hospital managers of the Lubbock County Hospital District of Lubbock County, Texas, under Section 1053.113, Special District Local Laws Code;

(18)  a county park ranger commissioned under Subchapter E, Chapter 351, Local Government Code;

(19)  an investigator employed by the Texas Racing Commission;

(20)  an officer commissioned under Chapter 554, Occupations Code;

(21)  an officer commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or a regional transportation authority under Section 452.110, Transportation Code;

(22)  an investigator commissioned by the attorney general under Section 402.009, Government Code;

(23)  a security officer or investigator commissioned as a peace officer under Chapter 466, Government Code;

(24)  an officer appointed by an appellate court under Subchapter F, Chapter 53, Government Code;

(25)  an officer commissioned by the state fire marshal under Chapter 417, Government Code;

(26)  an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;

(27)  an apprehension specialist or inspector general commissioned by the Texas Juvenile Justice Department as an officer under Section 242.102 or 243.052, Human Resources Code;

(28)  an officer appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;

(29)  an investigator commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;

(30)  a fire marshal or any related officer, inspector, or investigator commissioned by a county under Subchapter B, Chapter 352, Local Government Code;

(31)  a fire marshal or any officer, inspector, or investigator commissioned by an emergency services district under Chapter 775, Health and Safety Code;

(32)  an officer commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section; and

(33)  an investigator commissioned by the Texas Juvenile Justice Department as an officer under Section 221.011, Human Resources Code. (Code Crim. Proc., Art. 2.12.)

Art. 2A.002.  SPECIAL INVESTIGATORS. (a) The following criminal investigators of the United States are not peace officers but have the powers of arrest, search, and seizure under the laws of this state as to felony offenses only:

(1)  a special agent of the Federal Bureau of Investigation;

(2)  a special agent of the Secret Service;

(3)  a special agent of United States Immigration and Customs Enforcement;

(4)  a special agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(5)  a special agent of the United States Drug Enforcement Administration;

(6)  an inspector of the United States Postal Inspection Service;

(7)  a special agent of the Criminal Investigation Division of the Internal Revenue Service;

(8)  a civilian special agent of the United States Naval Criminal Investigative Service;

(9)  a marshal or deputy marshal of the United States Marshals Service;

(10)  a special agent of the United States Department of State, Bureau of Diplomatic Security;

(11)  a special agent of the Treasury Inspector General for Tax Administration;

(12)  a special agent of the Office of Inspector General of the United States Social Security Administration;

(13)  a special agent of the Office of Inspector General of the United States Department of Veterans Affairs;

(14)  a special agent of the Office of Inspector General of the United States Department of Agriculture;

(15)  a special agent of the Office of Export Enforcement of the United States Department of Commerce;

(16)  a special agent of the Criminal Investigation Command of the United States Army;

(17)  a special agent of the Office of Special Investigations of the United States Air Force; and

(18)  a police officer with the Office of Security and Law Enforcement of the United States Department of Veterans Affairs.

(b)  An officer or agent designated by the Secretary of Homeland Security under 40 U.S.C. Section 1315 for duty in connection with the protection of property owned or occupied by the federal government and persons on the property is not a peace officer but has the powers of arrest, search, and seizure as to any offense under the laws of this state.

(c)  A customs and border protection officer or border patrol agent of United States Customs and Border Protection or an immigration enforcement agent or deportation officer of the Department of Homeland Security is not a peace officer under the laws of this state but, on the premises of a port facility designated by the commissioner of United States Customs and Border Protection as a port of entry for arrival in the United States by land transportation from the United Mexican States into this state or at a permanent established border patrol traffic checkpoint, has the authority to detain a person pending transfer without unnecessary delay to a peace officer if the agent or officer has probable cause to believe that the person has engaged in conduct that is a violation of Section 49.02, 49.04, 49.07, or 49.08, Penal Code, regardless of whether the violation may be disposed of in a criminal proceeding or a juvenile justice proceeding.

(d)  A commissioned law enforcement officer of the National Park Service is not a peace officer under the laws of this state but has the powers of arrest, search, and seizure as to any offense under the laws of this state committed in a national park or national recreation area. In this subsection, "national park or national recreation area" means a national park or national recreation area included in the National Park System as defined by 54 U.S.C. Section 100102.

(e)  A special agent or law enforcement officer of the United States Forest Service is not a peace officer under the laws of this state but has the powers of arrest, search, and seizure as to any offense under the laws of this state committed in the National Forest System, as that term is defined by 16 U.S.C. Section 1609.

(f)  Security personnel working at a commercial nuclear power plant, including contract security personnel, trained and qualified under a security plan approved by the United States Nuclear Regulatory Commission, are not peace officers under the laws of this state but have the powers of arrest, search, and seizure, including the powers under Section 9.51, Penal Code, while in the performance of duties on the premises of a commercial nuclear power plant site or under an agreement entered into with local law enforcement regarding areas surrounding the plant site.

(g)  In addition to the powers of arrest, search, and seizure under Subsection (a), a special agent of the Secret Service protecting or investigating a threat against a person described by 18 U.S.C. Section 3056(a) has the powers of arrest, search, and seizure as to:

(1)  a misdemeanor offense under the laws of this state; and

(2)  any criminal offense under federal law. (Code Crim. Proc., Art. 2.122.)

Art. 2A.003.  PEACE OFFICERS COMMISSIONED BY TRIBAL COUNCIL. (a) The tribal council of the Alabama-Coushatta Tribe of Texas or of the Kickapoo Traditional Tribe of Texas may employ and commission peace officers to enforce state law within the respective tribe's reservation.

(b)  A peace officer commissioned under this article has all the powers, privileges, and immunities of a peace officer and may:

(1)  within the tribe's reservation:

(A)  arrest without a warrant in accordance with Chapter 14 any person who violates a law of the state; and

(B)  enforce all traffic laws on streets and highways; and

(2)  outside the tribe's reservation, arrest any person who violates any law of the state if the officer:

(A)  is summoned by another law enforcement agency to provide assistance; or

(B)  is assisting another law enforcement agency.

(c)  A peace officer commissioned under this article is not entitled to state benefits normally provided by the state to a peace officer.

(d)  A peace officer commissioned under this article must meet:

(1)  the minimum standards required of peace officers by the Texas Commission on Law Enforcement relating to competence, reliability, education, training, morality, and physical and mental health; and

(2)  all standards for licensing as a peace officer by the Texas Commission on Law Enforcement.

(e)  A peace officer commissioned under this article and assigned to duty shall:

(1)  take and file the oath required of a peace officer; and

(2)  execute and file a good and sufficient bond in the sum of $1,000, payable to the governor, with two or more good and sufficient sureties, conditioned that the officer will fairly, impartially, and faithfully perform the officer's duties as may be required by law.

(f)  The bond required under Subsection (e)(2) may be sued on in the name of the person injured until the whole amount is recovered. (Code Crim. Proc., Art. 2.126.)

Art. 2A.004.  PEACE OFFICERS FROM ADJOINING STATES. (a) A commissioned peace officer of a state adjoining this state, while the officer is in this state, has the same powers, duties, and immunities as a peace officer of this state who is acting in the discharge of an official duty, but:

(1)  only:

(A)  during a time in which the officer has physical custody of an inmate or criminal defendant and is:

(i)  transporting the inmate or defendant from a county in the adjoining state that is on the border between the two states to a hospital or other medical facility in a county in this state that is on the border between the two states; or

(ii)  returning the inmate or defendant from the hospital or facility described by Subparagraph (i) to the county in the adjoining state from which the inmate or defendant was transported under that subparagraph; and

(B)  to the extent necessary to:

(i)  maintain physical custody of an inmate or criminal defendant while transporting the inmate or defendant; or

(ii)  regain physical custody of an inmate or criminal defendant if the inmate or defendant escapes while being transported; or

(2)  only while the officer is:

(A)  in a municipality some part of the municipal limits of which are within one mile of the boundary between this state and the adjoining state; and

(B)  regularly assigned to duty in a county, parish, or municipality that adjoins this state.

(b)  A peace officer described by Subsection (a)(2) may also enforce the ordinances of a municipality in this state described by that subdivision if the governing body of the municipality authorizes that enforcement by majority vote at an open meeting. (Code Crim. Proc., Art. 2.124.)

Art. 2A.005.  RAILROAD PEACE OFFICERS. (a) In this article:

(1)  "Commission" means the Texas Commission on Law Enforcement.

(2)  "Department" means the Department of Public Safety of the State of Texas.

(b)  The director of the department may appoint not more than 250 railroad peace officers employed by a railroad company to aid law enforcement agencies in the protection of railroad property and the persons and property of railroad passengers and employees.

(c)  Except as provided by Subsection (d), a railroad peace officer may make arrests and exercise all authority given peace officers under this code when necessary to:

(1)  prevent or abate the commission of an offense involving:

(A)  injury to passengers or employees of the railroad; or

(B)  damage to railroad property; or

(2)  protect railroad property or property in the custody or control of the railroad.

(d)  A railroad peace officer may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7, Transportation Code.

(e)  A railroad peace officer is not entitled to state benefits normally provided by the state to a peace officer.

(f)  A person may not serve as a railroad peace officer for a railroad company unless:

(1)  the Texas Railroad Association submits the person's application for appointment and licensing as a railroad peace officer to the director of the department and to the executive director of the commission;

(2)  the director of the department issues the person a certificate of authority to act as a railroad peace officer;

(3)  the executive director of the commission:

(A)  determines that the person meets minimum standards required of peace officers by the commission relating to competence, reliability, education, training, morality, and physical and mental health; and

(B)  issues the person a license as a railroad peace officer; and

(4)  the person has met all standards for licensing as a peace officer by the commission.

(g)  For good cause, the director of the department may revoke a certificate of authority issued under this article and the executive director of the commission may revoke a license issued under this article.

(h)  Termination of employment with a railroad company, or the revocation of a railroad peace officer license, constitutes an automatic revocation of a certificate of authority to act as a railroad peace officer.

(i)  A railroad company is liable for any act or omission by a person serving as a railroad peace officer for the company that occurs within the scope of the person's employment.

(j)  The state or any political subdivision or agency of the state is not liable for any act or omission by a person appointed as a railroad peace officer.

(k)  A railroad company that employs a railroad peace officer shall pay all expenses associated with granting or revoking the certificate of authority to act as a railroad peace officer.

(l)  A railroad peace officer who is a member of a railroad craft may not perform the duties of a member of any other railroad craft during a strike or labor dispute.

(m)  The director of the department and the executive director of the commission may adopt rules necessary for the effective administration and performance of the duties delegated to the director and the executive director by this article. (Code Crim. Proc., Art. 2.121; New.)

Art. 2A.006.  SPECIAL RANGERS OF TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION. (a) In this article:

(1)  "Association" means the Texas and Southwestern Cattle Raisers Association.

(2)  "Commission" means the Texas Commission on Law Enforcement.

(3)  "Department" means the Department of Public Safety of the State of Texas.

(b)  The director of the department may appoint not more than 50 special rangers employed by the association to aid law enforcement agencies in the investigation of the theft of livestock or related property.

(c)  Except as provided by Subsection (d), a special ranger may make arrests and exercise all authority given peace officers under this code when necessary to prevent or abate the commission of an offense involving livestock or related property.

(d)  A special ranger may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7, Transportation Code.

(e)  A special ranger is not entitled to state benefits normally provided by the state to a peace officer.

(f)  A person may not serve as a special ranger unless:

(1)  the association submits the person's application for appointment and licensing as a special ranger to the director of the department and to the executive director of the commission;

(2)  the director of the department issues the person a certificate of authority to act as a special ranger;

(3)  the executive director of the commission:

(A)  determines that the person meets minimum standards required of peace officers by the commission relating to competence, reliability, education, training, morality, and physical and mental health; and

(B)  issues the person a license as a special ranger; and

(4)  the person has met all standards for licensing as a peace officer by the commission.

(g)  For good cause, the director of the department may revoke a certificate of authority issued under this article and the executive director of the commission may revoke a license issued under this article.

(h)  Termination of employment with the association, or the revocation of a special ranger license, constitutes an automatic revocation of a certificate of authority to act as a special ranger.

(i)  The association is liable for any act or omission by a person serving as a special ranger for the association that occurs within the scope of the person's employment.

(j)  The state or any political subdivision or agency of the state is not liable for any act or omission by a person appointed as a special ranger.

(k)  The association shall pay all expenses associated with granting or revoking a certificate of authority to act as a special ranger.

(l)  The director of the department and the executive director of the commission may adopt rules necessary for the effective administration and performance of the duties delegated to the director and the executive director by this article. (Code Crim. Proc., Art. 2.125; New.)

Art. 2A.007.  ADJUNCT POLICE OFFICERS. (a) With the consent of the governing board of a private institution of higher education located in a county with a population of less than 200,000, the chief of police of a municipality in that county or the sheriff of that county, if the institution is outside the corporate limits of a municipality, that has jurisdiction over the geographical area of the institution may appoint not more than 50 peace officers commissioned under Section 51.212, Education Code, and employed by the institution to serve as adjunct police officers of the municipality or county, as applicable.

(b)  An adjunct police officer appointed under this article:

(1)  shall aid law enforcement agencies in the protection of the municipality or county in the geographical area designated under Subsection (c);

(2)  may make arrests and exercise all authority given peace officers under this code only within the geographical area designated under Subsection (c); and

(3)  has all the rights, privileges, and immunities of a peace officer but is not entitled to state compensation and retirement benefits normally provided by the state to a peace officer.

(c)  A chief of police or sheriff who appoints an adjunct police officer under this article and the private institution of higher education at which the officer is employed shall annually designate by agreement the geographical area in which adjunct police officers may act as described by Subsection (b). The geographical area may include only the institution's campus area and an area that:

(1)  is adjacent to the institution's campus;

(2)  does not extend more than one mile from the perimeter of the institution's campus; and

(3)  is inhabited primarily by students or employees of the institution.

(d)  A person may not serve as an adjunct police officer for a municipality or county unless:

(1)  the private institution of higher education at which the person is employed submits the person's application for appointment and certification as an adjunct police officer to the applicable chief of police or sheriff;

(2)  the chief of police or sheriff to whom the application under Subdivision (1) was made issues the person a certificate of authority to act as an adjunct police officer; and

(3)  the person undergoes any additional training required for that person to meet the training standards of the municipality or county, as applicable, for peace officers employed by the municipality or county.

(e)  A chief of police or sheriff who issues a certificate of authority under this article may revoke the certificate for good cause.

(f)  A private institution of higher education is liable for any act or omission by a person employed by the institution while serving as an adjunct police officer outside of the institution's campus in the same manner as the municipality or county governing the applicable geographical area is liable for any act or omission of a peace officer employed by the municipality or county. This subsection may not be construed as a limitation on the liability of a municipality or county for the acts or omissions of a person serving as an adjunct police officer.

(g)  A private institution of higher education that employs an adjunct police officer shall pay all expenses incurred by the municipality or county in granting or revoking a certificate of authority to act as an adjunct police officer under this article.

(h)  This article does not affect any duty of the municipality or county to provide law enforcement services to a geographical area designated under Subsection (c). (Code Crim. Proc., Art. 2.123.)

Art. 2A.008.  SCHOOL MARSHALS. (a) In this article, "private school" means a school that:

(1)  offers a course of instruction for students in one or more grades from prekindergarten through grade 12;

(2)  is not operated by a governmental entity; and

(3)  is not a school whose students are home-schooled students as defined by Section 29.916, Education Code.

(b)  A person may not serve as a school marshal unless the person is:

(1)  licensed under Section 1701.260, Occupations Code; and

(2)  appointed by:

(A)  the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;

(B)  the governing body of a private school under Section 37.0813, Education Code; or

(C)  the governing board of a public junior college under Section 51.220, Education Code.

(c)  Except as provided by Subsection (d), a school marshal may:

(1)  make arrests and exercise all authority given peace officers under this code, subject to written regulations adopted by, as applicable:

(A)  the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;

(B)  the governing body of a private school under Section 37.0813, Education Code; or

(C)  the governing board of a public junior college under Section 51.220, Education Code; and

(2)  act only as necessary to prevent or abate the commission of an offense that threatens serious bodily injury to or the death of a student, faculty member, or visitor on school premises.

(d)  A school marshal may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7, Transportation Code.

(e)  A school marshal is not entitled to state benefits normally provided by the state to a peace officer. (Code Crim. Proc., Art. 2.127.)

SUBCHAPTER B. POWERS AND DUTIES OF PEACE OFFICERS AND LAW ENFORCEMENT AGENCIES

Art. 2A.051.  GENERAL POWERS AND DUTIES OF PEACE OFFICERS. Each peace officer shall:

(1)  preserve the peace within the officer's jurisdiction using all lawful means;

(2)  in every case authorized by this code, interfere without a warrant to prevent or suppress crime;

(3)  execute all lawful process issued to the officer by a magistrate or court;

(4)  give notice to an appropriate magistrate of all offenses committed in the officer's jurisdiction, where the officer has good reason to believe there has been a violation of the penal law;

(5)  when authorized by law, arrest an offender without a warrant so the offender may be taken before the proper magistrate or court and be tried;

(6)  take possession of a child under Article 63.009(g); and

(7)  on a request made by the Texas Civil Commitment Office, execute an emergency detention order issued by that office under Section 841.0837, Health and Safety Code. (Code Crim. Proc., Arts. 2.13(a), (b), (c), (f).)

Art. 2A.052.  CARRYING WEAPON ON CERTAIN PREMISES; CIVIL PENALTY. (a) In this article:

(1)  "Establishment serving the public" means:

(A)  a hotel, motel, or other place of lodging;

(B)  a restaurant or other place where food is offered for sale to the public;

(C)  a retail business or other commercial establishment or an office building to which the public is invited;

(D)  a sports venue; and

(E)  any other place of public accommodation, amusement, convenience, or resort to which the public or any classification of persons from the public is regularly, normally, or customarily invited.

(2)  "Sports venue" means an arena, coliseum, stadium, or other type of area or facility that is primarily used or is planned for primary use for professional or amateur sports or athletics events and for which a fee is charged or is planned to be charged for admission to the sports or athletics events, other than occasional civic, charitable, or promotional events.

(b)  An establishment serving the public may not prohibit or otherwise restrict a peace officer or special investigator from carrying on the establishment's premises a weapon that the officer or investigator is otherwise authorized to carry, regardless of whether the officer or investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon.

(c)  An establishment serving the public that violates this article is subject to a civil penalty in the amount of $1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection. Money collected under this subsection shall be deposited in the state treasury to the credit of the general revenue fund. (Code Crim. Proc., Art. 2.1305.)

Art. 2A.053.  SUMMONING AID. (a) A peace officer who meets resistance while discharging a duty imposed on the officer by law shall summon a number of residents of the officer's county sufficient to overcome that resistance.

(b)  A person summoned by a peace officer under Subsection (a) shall obey the officer. (Code Crim. Proc., Art. 2.14.)

Art. 2A.054.  REFUSAL TO ASSIST PEACE OFFICER. A peace officer who summons a person to assist the peace officer in performing any duty shall, if the person refuses, report the person to the proper district or county attorney for prosecution. (Code Crim. Proc., Art. 2.15.)

Art. 2A.055.  FINE FOR FAILURE TO EXECUTE PROCESS. (a) A sheriff or other officer who wilfully refuses or neglects to execute any summons, subpoena, or attachment for a witness or any other legal process the officer has a duty to execute is liable for a fine for contempt in an amount in the court's discretion of not less than $10 or more than $200.

(b)  The payment of a fine under Subsection (a) shall be enforced in the same manner as a fine for contempt in a civil case. (Code Crim. Proc., Art. 2.16.)

Art. 2A.056.  RESPONSE TO CHILD SAFETY CHECK ALERT. (a) In this article, "department" means the Department of Family and Protective Services.

(b)  A peace officer who locates a child or other person listed on the Texas Crime Information Center's child safety check alert list established under Section 261.3022, Family Code, shall:

(1)  immediately contact the department on the department's dedicated law-enforcement telephone number for statewide intake;

(2)  request information from the department regarding the circumstances of the case involving the child or other person; and

(3)  request information from the child and the other person regarding the child's safety, well-being, and current residence.

(c)  The peace officer may temporarily detain the child or other person to ensure the safety and well-being of the child.

(d)  If the peace officer determines that the circumstances described by Section 262.104, Family Code, exist, the officer may take temporary possession of the child without a court order as provided by that section. If the peace officer does not take temporary possession of the child, the officer shall obtain the child's current address and any other relevant information and report that information to the department.

(e)  A peace officer who locates a child or other person listed on the Texas Crime Information Center's child safety check alert list and who reports the child's or other person's current address and other relevant information to the department shall report to the Texas Crime Information Center that the child or other person has been located and to whom the child was released, as applicable. (Code Crim. Proc., Art. 2.272; New.)

Art. 2A.057.  INVESTIGATION OF CERTAIN REPORTS ALLEGING ABUSE, NEGLECT, OR EXPLOITATION. (a) In this article, "department" means the Department of Family and Protective Services.

(b)  A peace officer from the appropriate local law enforcement agency shall, on receipt of a report, investigate jointly with the department or with the agency responsible for conducting an investigation under Subchapter E, Chapter 261, Family Code, if the report:

(1)  is assigned the highest priority in accordance with rules adopted by the department under Section 261.301(d), Family Code; and

(2)  alleges an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child by a person responsible for the care, custody, or welfare of the child.

(c)  As soon as possible, but not later than 24 hours, after being notified by the department of a report described by Subsection (b), the peace officer shall accompany the department investigator in initially responding to the report.

(d)  On receipt of a report of abuse, neglect, exploitation, or other complaint of a resident of a nursing home, convalescent home, or other related institution or an assisted living facility, under Section 260A.007(c)(1), Health and Safety Code, the appropriate local law enforcement agency shall investigate the report as required by Section 260A.017, Health and Safety Code. (Code Crim. Proc., Arts. 2.27, 2.271; New.)

Art. 2A.058.  RELEASE OF CHILD BY LAW ENFORCEMENT OFFICER. (a) A law enforcement officer who takes possession of a child under Section 262.104, Family Code, may release the child to:

(1)  a residential child-care facility licensed by the Department of Family and Protective Services under Chapter 42, Human Resources Code, if the facility is authorized by the department to take possession of the child;

(2)  a juvenile probation department;

(3)  the Department of Family and Protective Services; or

(4)  any other person authorized by law to take possession of the child.

(b)  Before a law enforcement officer may release a child to a person authorized by law to take possession of the child other than a governmental entity, the officer must:

(1)  verify with the National Crime Information Center that the child is not a missing child;

(2)  search the relevant databases of the National Crime Information Center system, including those pertaining to protection orders, historical protection orders, warrants, sex offender registries, and persons on supervised release to:

(A)  verify that the person to whom the child is being released:

(i)  does not have a protective order issued against the person; and

(ii)  is not registered as a sex offender unless the person is the child's parent or guardian and there are no restrictions regarding the person's contact with the child; and

(B)  obtain any other information the Department of Family and Protective Services considers:

(i)  relevant to protect the welfare of the child; or

(ii)  reflective of the responsibility of the person to whom the child is being released;

(3)  call the Department of Family and Protective Services Texas Abuse Hotline to determine whether the person to whom the child is being released is listed in the registry as a person who abused or neglected a child;

(4)  verify that the person to whom the child is being released is at least 18 years of age; and

(5)  maintain a record regarding the child's placement, including:

(A)  identifying information about the child, including the child's name or pseudonyms; and

(B)  the name and address of the person to whom the child is being released. (Code Crim. Proc., Art. 2.273.)

Art. 2A.059.  NATIONALITY OR IMMIGRATION STATUS INQUIRY. (a) Subject to Subsection (b), in the course of investigating an alleged criminal offense, a peace officer may inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to:

(1)  investigate the offense; or

(2)  provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

(b)  Subsection (a) does not prevent a peace officer from:

(1)  conducting a separate investigation of any other alleged criminal offense; or

(2)  inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense. (Code Crim. Proc., Arts. 2.13(d), (e).)

Art. 2A.060.  IMMIGRATION DETAINER REQUESTS. (a) A law enforcement agency that has custody of a person subject to an immigration detainer request issued by United States Immigration and Customs Enforcement shall:

(1)  comply with, honor, and fulfill any request made in the detainer request provided by the federal government; and

(2)  inform the person that the person is being held pursuant to an immigration detainer request issued by United States Immigration and Customs Enforcement.

(b)  A law enforcement agency is not required to perform a duty imposed by Subsection (a) with respect to a person who has provided proof that the person is a citizen of the United States or that the person has lawful immigration status in the United States, such as a Texas driver's license or similar government-issued identification. (Code Crim. Proc., Art. 2.251.)

Art. 2A.061.  MISUSED IDENTITY NOTIFICATIONS. On receiving information that a person's identifying information was falsely given by an arrested person as the arrested person's identifying information, the local law enforcement agency responsible for collecting identifying information on arrested persons in the county in which the arrest was made shall:

(1)  notify the person that:

(A)  the person's identifying information was misused by another person arrested in the county;

(B)  the person may file a declaration with the Department of Public Safety under Section 411.0421, Government Code; and

(C)  the person is entitled to expunction of information contained in criminal records and files under Chapter 55A; and

(2)  notify the Department of Public Safety regarding:

(A)  the misuse of the identifying information;

(B)  the actual identity of the person arrested, if known by the agency; and

(C)  whether the agency was able to notify the person whose identifying information was misused. (Code Crim. Proc., Art. 2.28.)

Art. 2A.062.  EDUCATION AND TRAINING ON EYEWITNESS IDENTIFICATION. (a) In this article, "law enforcement agency" means an agency of the state or of a political subdivision of the state authorized by law to employ peace officers.

(b)  The Texas Commission on Law Enforcement shall establish a comprehensive education and training program on eyewitness identification, including material regarding:

(1)  variables that affect a witness's vision and memory;

(2)  practices for minimizing contamination; and

(3)  effective eyewitness identification protocols.

(c)  Each law enforcement agency shall require each peace officer who is employed by the agency and who performs eyewitness identification procedures to complete the education and training described by Subsection (b). (Code Crim. Proc., Art. 2.1386.)

Art. 2A.063.  SHERIFF AS CONSERVATOR OF THE PEACE. A sheriff is a conservator of the peace in the sheriff's county and shall:

(1)  arrest each person who commits an offense in the view or hearing of the sheriff and take the offender before the proper court for examination or trial;

(2)  suppress all assaults, affrays, insurrections, and unlawful assemblies; and

(3)  apprehend and commit to jail each person who commits an offense until an examination or trial can be held. (Code Crim. Proc., Art. 2.17.)

Art. 2A.064.  SHERIFF'S DUTIES RELATED TO CUSTODY OF DEFENDANTS. (a) Except as provided by Subsection (b), a sheriff shall place in jail a defendant committed to jail by a warrant from a magistrate or court.

(b)  A sheriff may permit a defendant committed to jail by a warrant from a magistrate or court to remain out of jail for a reasonable time to procure bail if the defendant:

(1)  was committed for want of bail; or

(2)  was arrested in a bailable case.

(c)  A sheriff shall guard a defendant permitted to remain out of jail under Subsection (b) to prevent escape. (Code Crim. Proc., Art. 2.18.)

Art. 2A.065.  DEPUTY OR OTHER OFFICER TO DISCHARGE SHERIFF'S DUTIES. (a) A sheriff's deputy may perform any duty imposed on the sheriff under this code.

(b)  If there is no sheriff in a county, the duties of the sheriff's office relating to criminal law are conferred on the officer empowered under law to discharge the duties of that office when the office is vacant. (Code Crim. Proc., Art. 2.20.)

Art. 2A.066.  EXECUTION OF PROCESS BY COUNTY JAILER. (a) A jailer licensed under Chapter 1701, Occupations Code, who has successfully completed a training program provided by the sheriff may execute lawful process issued to the jailer by any magistrate or court on a person confined in the jail at which the jailer is employed to the same extent that a peace officer is authorized to execute process under Article 2A.051(3), including:

(1)  a warrant under Chapter 15, 17, or 18;

(2)  a capias under Chapter 17 or 23;

(3)  a subpoena under Chapter 20A or 24; or

(4)  an attachment under Chapter 20A or 24.

(b)  A jailer licensed under Chapter 1701, Occupations Code, may execute lawful process issued to the jailer by any magistrate or court on a person confined in the jail at which the jailer is employed to the same extent that a peace officer is authorized to execute process under Article 2A.051(3), including:

(1)  a warrant under Chapter 15, 17, or 18;

(2)  a capias under Chapter 17 or 23;

(3)  a subpoena under Chapter 20A or 24; or

(4)  an attachment under Chapter 20A or 24. (Code Crim. Proc., Art. 2.31, as added Acts 82nd Leg., R.S., Chs. 176, 1341.)

SUBCHAPTER C. ATTORNEYS REPRESENTING STATE

Art. 2A.101.  GENERAL DUTIES OF ATTORNEYS REPRESENTING STATE. (a) The primary duty of an attorney representing the state, including a special prosecutor, is not to convict but to see that justice is done.

(b)  An attorney representing the state, including a special prosecutor, may not suppress facts or conceal witnesses capable of establishing the innocence of the defendant. (Code Crim. Proc., Art. 2.01 (part).)

Art. 2A.102.  DUTIES OF DISTRICT ATTORNEYS. (a) Each district attorney shall represent the state in all criminal cases in the district courts of the attorney's district and in appeals from those cases.

(b)  Unless prevented by other official duties, a district attorney shall represent the state in any criminal proceeding before an examining court in the attorney's district or before a judge on habeas corpus, if the attorney is:

(1)  notified of the proceeding; and

(2)  in the attorney's district at the time. (Code Crim. Proc., Art. 2.01 (part).)

Art. 2A.103.  DUTIES OF COUNTY ATTORNEYS. (a) Each county attorney shall attend the terms of court for trial courts other than district courts in the attorney's county and represent the state in all criminal cases under examination or prosecution in that county.

(b)  In the absence of the district attorney, the county attorney shall represent the state alone and, when requested by the district attorney, shall aid the district attorney in prosecuting a case in behalf of the state in district court.

(c)  The county attorney shall represent the state in the appeal of a case prosecuted by the county attorney. (Code Crim. Proc., Art. 2.02.)

Art. 2A.104.  TEMPORARY APPOINTMENT OF ATTORNEY. (a) In this article, "attorney representing the state" means a county attorney with criminal jurisdiction, a district attorney, or a criminal district attorney.

(b)  If an attorney representing the state is disqualified to act in any case or proceeding, is absent from the county or district, or is otherwise unable to perform the duties of the attorney's office, or if there is no attorney representing the state, the judge of the court in which the attorney represents the state may appoint to perform the duties of the attorney's office during the attorney's absence or disqualification:

(1)  an attorney representing the state from any county or district; or

(2)  an assistant attorney general.

(c)  An attorney representing the state who is not disqualified to act may request the court to permit the attorney's recusal in a case for good cause, and on approval by the court, the attorney is disqualified.

(d)  Except as otherwise provided by this subsection, the duties of the office appointed under Subsection (b) are additional duties of the appointed attorney's present office, and the attorney is not entitled to additional compensation. This subsection does not prevent a commissioners court of a county from contracting with another commissioners court to pay expenses and reimburse compensation paid by a county to an attorney who is appointed to perform additional duties. (Code Crim. Proc., Art. 2.07.)

Art. 2A.105.  GROUNDS FOR DISQUALIFICATION. (a) A district attorney may not represent the state in a criminal case in which the attorney has been, before the attorney's election, employed adversely to the state.

(b)  A district or county attorney may not:

(1)  be of counsel adversely to the state in any case in any court; or

(2)  after the attorney ceases to be a district or county attorney, be of counsel adversely to the state in any case in which the attorney has been of counsel for the state.

(c)  A judge of a court in which a district or county attorney represents the state shall declare the attorney disqualified for purposes of Article 2A.104 on a showing that the attorney is the subject of a criminal investigation by a law enforcement agency if that investigation is based on credible evidence of criminal misconduct for an offense that is within the attorney's authority to prosecute. A disqualification under this subsection applies only to the attorney's access to the criminal investigation pending against the attorney and to any prosecution of a criminal charge resulting from that investigation. (Code Crim. Proc., Arts. 2.01 (part), 2.08.)

Art. 2A.106.  NEGLECT OR FAILURE OF DUTY; VIOLATION OF LAW. (a) An attorney representing the state shall present to the court with jurisdiction an information charging an officer with neglect or failure of duty if:

(1)  the attorney learns that the officer has neglected or failed to perform a duty imposed on the officer; and

(2)  the neglect or failure of duty can be presented by information.

(b)  An attorney representing the state shall notify the grand jury of any act that violated the law or any neglect or failure of duty by an officer if:

(1)  the attorney learns that the officer has in act violated a law or neglected or failed to perform a duty; and

(2)  the act that violated the law or the neglect or failure of duty cannot be presented by information. (Code Crim. Proc., Art. 2.03(a).)

Art. 2A.107.  RECORDING AND FILING COMPLAINTS. (a) If a complaint is made before a district or county attorney that an offense has been committed in the attorney's district or county, as applicable, the attorney shall:

(1)  reduce the complaint to writing;

(2)  cause the complaint to be signed and sworn to by the complainant;

(3)  attest the complaint; and

(4)  as applicable:

(A)  if the offense is a misdemeanor and except as provided by Subsection (b), immediately prepare an information based on the complaint and file the information in the court having jurisdiction; or

(B)  if the offense is a felony, immediately file the complaint with a magistrate of the county.

(b)  In a county that does not have a county attorney or a criminal district court, a misdemeanor case may be tried based on complaint alone without an information.

(c)  For purposes of fulfilling the duties under this article, a district or county attorney may administer oaths. (Code Crim. Proc., Arts. 2.04, 2.05, 2.06.)

Art. 2A.108.  ASSISTANCE OF ATTORNEY GENERAL IN CERTAIN CASES. (a) In this article, "assistance" includes investigative, technical, and litigation assistance.

(b)  The attorney general may offer to a county or district attorney the assistance of the attorney general's office in the prosecution of an offense described by Article 66.102(h) the victim of which is younger than 17 years of age at the time the offense is committed.

(c)  On request of a county or district attorney, the attorney general shall assist in the prosecution of an offense described by Subsection (b). (Code Crim. Proc., Art. 2.021.)

Art. 2A.109.  ASSISTANCE OF TEXAS RANGERS IN CERTAIN CASES. The attorney representing the state may request the Texas Rangers division of the Department of Public Safety to provide assistance, including investigative, technical, and administrative assistance, to a local law enforcement agency investigating an offense that:

(1)  is alleged to have been committed by an elected officer of the political subdivision served by the local law enforcement agency; and

(2)  on conviction or adjudication, would subject the elected officer to registration as a sex offender under Chapter 62. (Code Crim. Proc., Art. 2.022.)

Art. 2A.110.  NOTIFICATION TO TEXAS DEPARTMENT OF CRIMINAL JUSTICE OF CERTAIN INDICTMENTS. (a) This article applies only to a defendant who, in connection with a previous conviction for an offense listed in Article 42A.054(a) or for which the judgment contains an affirmative finding under Article 42A.054(c) or (d):

(1)  received a sentence that included imprisonment at a facility operated by or under contract with the Texas Department of Criminal Justice; and

(2)  was subsequently released from the imprisonment, including a release on parole, to mandatory supervision, or following discharge of the defendant's sentence.

(b)  Not later than the 10th day after the date that a defendant described by Subsection (a) is indicted for an offense listed in Article 42A.054(a), the attorney representing the state shall notify an officer designated by the Texas Department of Criminal Justice of the offense charged in the indictment. (Code Crim. Proc., Art. 2.023.)

Art. 2A.111.  TRACKING USE OF CERTAIN TESTIMONY. (a) In this article:

(1)  "Attorney representing the state" means a district attorney, a criminal district attorney, or a county attorney with criminal jurisdiction.

(2)  "Correctional facility" has the meaning assigned by Section 1.07, Penal Code.

(b)  An attorney representing the state shall track:

(1)  the use of testimony of a person to whom a defendant made a statement against the defendant's interest while the person was imprisoned or confined in the same correctional facility as the defendant, if known by the attorney representing the state, regardless of whether the testimony is presented at trial; and

(2)  any benefits offered or provided to a person in exchange for testimony described by Subdivision (1). (Code Crim. Proc., Art. 2.024.)

SUBCHAPTER D. MAGISTRATES AND CLERKS

Art. 2A.151.  TYPES OF MAGISTRATES. The following officers are magistrates for purposes of this code:

(1)  a justice of the supreme court;

(2)  a judge of the court of criminal appeals;

(3)  a justice of the courts of appeals;

(4)  a judge of a district court;

(5)  an associate judge appointed by:

(A)  a judge of a district court or a statutory county court that gives preference to criminal cases in Jefferson County;

(B)  a judge of a district court or a statutory county court of Brazos County, Nueces County, or Williamson County; or

(C)  a judge of a district court under Chapter 54A, Government Code;

(6)  a criminal magistrate appointed by:

(A)  the Brazoria County Commissioners Court; or

(B)  the Burnet County Commissioners Court;

(7)  a criminal law hearing officer for:

(A)  Harris County appointed under Subchapter L, Chapter 54, Government Code; or

(B)  Cameron County appointed under Subchapter BB, Chapter 54, Government Code;

(8)  a magistrate appointed:

(A)  by a judge of a district court of Bexar County, Dallas County, or Tarrant County that gives preference to criminal cases;

(B)  by a judge of a criminal district court of Dallas County or Tarrant County;

(C)  by a judge of a district court or statutory county court that gives preference to criminal cases in Travis County;

(D)  by the El Paso Council of Judges;

(E)  by the Fort Bend County Commissioners Court;

(F)  by the Collin County Commissioners Court; or

(G)  under Subchapter JJ, Chapter 54, Government Code;

(9)  a magistrate or associate judge appointed by a judge of a district court of Lubbock County, Nolan County, or Webb County;

(10)  a county judge;

(11)  a judge of:

(A)  a statutory county court;

(B)  a county criminal court; or

(C)  a statutory probate court;

(12)  an associate judge appointed by a judge of a statutory probate court under Chapter 54A, Government Code;

(13)  a justice of the peace; and

(14)  a mayor or recorder of a municipality or a judge of a municipal court. (Code Crim. Proc., Art. 2.09.)

Art. 2A.152.  GENERAL DUTIES OF MAGISTRATES. Each magistrate shall:

(1)  preserve the peace within the magistrate's jurisdiction using all lawful means;

(2)  issue all process intended to aid in preventing and suppressing crime; and

(3)  cause the arrest of offenders using lawful means so that the offenders may be brought to punishment. (Code Crim. Proc., Art. 2.10.)

Art. 2A.153.  GENERAL DUTIES OF CLERKS. (a) In this article, "digital multimedia evidence" means evidence stored or transmitted in a binary form and includes data representing documents, audio, video metadata, and any other information attached to a digital file.

(b)  In a criminal proceeding, the clerk of a district or county court shall:

(1)  receive and file all papers;

(2)  receive all exhibits at the conclusion of the proceeding;

(3)  issue all process;

(4)  accept and file electronic documents received from the defendant, if the clerk accepts electronic documents from an attorney representing the state;

(5)  accept and file digital multimedia evidence received from the defendant, if the clerk accepts digital multimedia evidence from an attorney representing the state; and

(6)  perform all other duties imposed on the clerk by law.

(c)  A district clerk is exempt from the requirements of Subsections (b)(4) and (5) if the electronic filing system used by the clerk for accepting electronic documents or electronic digital media from an attorney representing the state does not have the capability of accepting electronic filings from a defendant and the system was established or procured before June 1, 2009. The exemption provided by this subsection no longer applies to an electronic filing system described by this subsection that is substantially upgraded or is replaced with a new system. (Code Crim. Proc., Arts. 2.21(a), (a-1), (k).)

Art. 2A.154.  DEPUTY CLERKS. A deputy clerk of a district or county court may perform any duty imposed on the clerk of that court. (Code Crim. Proc., Art. 2.22.)

Art. 2A.155.  CLERK'S DISPOSAL OF CERTAIN EXHIBITS. (a) In this article, "eligible exhibit" means an exhibit filed with the clerk of a court that:

(1)  is not a firearm or contraband;

(2)  has not been ordered by the court to be returned to its owner; and

(3)  is not an exhibit in another pending criminal action.

(b)  An eligible exhibit may be disposed of as provided by this article:

(1)  on or after the first anniversary of the date on which a conviction becomes final in the case, if the case is a misdemeanor or a felony for which the sentence imposed by the court is five years or less;

(2)  on or after the second anniversary of the date on which a conviction becomes final in the case, if the case is a noncapital felony for which the sentence imposed by the court is greater than five years;

(3)  on or after the first anniversary of the date of the acquittal of the defendant; or

(4)  on or after the first anniversary of the date of the death of the defendant.

(c)  Subject to Subsections (d), (e), and (f), a clerk may dispose of an eligible exhibit, including by delivery of the exhibit to the county purchasing agent for disposal as surplus or salvage property under Section 263.152, Local Government Code, if on the date provided by Subsection (b) the clerk has not received a request for the exhibit from either the attorney representing the state in the case or the attorney representing the defendant.

(d)  Before a clerk in a county with a population of less than two million disposes of an eligible exhibit, the clerk must provide written notice by mail to the attorney representing the state in the case and the attorney representing the defendant. The notice must:

(1)  describe the exhibit;

(2)  include the name and address of the court holding the exhibit; and

(3)  state that the exhibit will be disposed of unless a written request is received by the clerk before the 31st day after the date of notice.

(e)  If a request is not received by a clerk to whom Subsection (d) applies before the 31st day after the date of notice, the clerk may dispose of the eligible exhibit in the manner permitted by this article.

(f)  If a request is timely received, the clerk shall deliver the eligible exhibit to the person making the request if the court determines the requestor is the owner of the exhibit.

(g)  Notwithstanding Section 263.156, Local Government Code, or any other law, the commissioners court shall remit 50 percent of any proceeds of the disposal of an eligible exhibit as surplus or salvage property as described by Subsection (c), less the reasonable expense of keeping the exhibit before disposal and the costs of that disposal, to each of the following:

(1)  the county treasury, to be used only to defray the costs incurred by the district clerk of the county for the management, maintenance, or destruction of eligible exhibits in the county; and

(2)  the state treasury to the credit of the compensation to victims of crime fund established under Subchapter J, Chapter 56B. (Code Crim. Proc., Arts. 2.21(d), (e), (f), (f-1), (g), (h), (i), (j).)

Art. 2A.156.  COURT REPORTER'S RELEASE OF FIREARMS AND CONTRABAND TO LAW ENFORCEMENT. (a) At any time during or after a criminal proceeding, the court reporter shall release for safekeeping any firearm or contraband received as an exhibit in that proceeding to:

(1)  the sheriff; or

(2)  in a county with a population of 500,000 or more, the law enforcement agency that collected, seized, or took possession of the firearm or contraband or produced the firearm or contraband at the proceeding.

(b)  The sheriff or the law enforcement agency, as applicable, shall receive and hold the exhibits released under Subsection (a) and:

(1)  release the exhibits only to a person authorized by the court in which those exhibits have been received; or

(2)  dispose of the exhibits as provided by Chapter 18. (Code Crim. Proc., Arts. 2.21(b), (c).)

SUBCHAPTER E. REPORTING DUTIES

Art. 2A.201.  PEACE OFFICERS: REPORT IN CONNECTION WITH CERTAIN OFFENSES INVOLVING SENSITIVE INFORMATION. (a) A peace officer to whom an alleged violation of Section 31.17 or 32.51, Penal Code, is reported shall make to the law enforcement agency that employs the officer a written report that includes:

(1)  the name of the victim;

(2)  the name of the suspect, if known;

(3)  as applicable, either:

(A)  the type of financial sight order or payment card information obtained or transferred in violation of Section 31.17, Penal Code; or

(B)  the type of identifying information obtained, possessed, transferred, or used in violation of Section 32.51, Penal Code; and

(4)  the results of any investigation.

(b)  On the victim's request, the law enforcement agency shall provide the report made under Subsection (a) to the victim. In providing the report, the law enforcement agency shall redact any otherwise confidential information that is included in the report, other than the information described by Subsection (a). (Code Crim. Proc., Arts. 2.29, 2.295.)

Art. 2A.202.  PEACE OFFICERS: REPORT CONCERNING CERTAIN ASSAULTIVE OR TERRORISTIC OFFENSES. (a) This article applies only to the following offenses:

(1)  assault under Section 22.01, Penal Code;

(2)  aggravated assault under Section 22.02, Penal Code;

(3)  sexual assault under Section 22.011, Penal Code;

(4)  aggravated sexual assault under Section 22.021, Penal Code; and

(5)  terroristic threat under Section 22.07, Penal Code.

(b)  A peace officer who investigates the alleged commission of an offense to which Subsection (a) applies shall prepare a written report that includes the information required under Article 5.05(a).

(c)  On request of a victim of an offense to which Subsection (a) applies, the local law enforcement agency responsible for investigating the commission of the offense shall provide to the victim, at no cost to the victim, any information contained in the written report prepared under Subsection (b) that is:

(1)  described by Article 5.05(a)(1) or (2); and

(2)  not exempt from disclosure under Chapter 552, Government Code, or other law. (Code Crim. Proc., Art. 2.30.)

Art. 2A.203.  SHERIFFS: REPORT OF WARRANT OR CAPIAS INFORMATION. Not later than the 30th day after the date a court clerk issues a warrant or capias, the sheriff:

(1)  shall report to the National Crime Information Center each warrant or capias issued for a defendant charged with a felony who fails to appear in court when summoned; and

(2)  may report to the National Crime Information Center each warrant or capias issued for a defendant charged with a misdemeanor other than a Class C misdemeanor who fails to appear in court when summoned. (Code Crim. Proc., Art. 2.195.)

Art. 2A.204.  SHERIFFS: REPORT ON PRISONERS. On the first day of each month, the sheriff shall give written notice to the district or county attorney, as applicable, of each prisoner in the sheriff's custody, including:

(1)  the name of each prisoner; and

(2)  the authority under which the sheriff detains the prisoner. (Code Crim. Proc., Art. 2.19.)

Art. 2A.205.  CERTAIN LAW ENFORCEMENT AGENCIES: REPORT CONCERNING HUMAN TRAFFICKING CASES. (a) This article applies only to:

(1)  a municipal police department, sheriff's department, constable's office, county attorney's office, district attorney's office, and criminal district attorney's office, as applicable, in a county with a population of more than 50,000; and

(2)  the Department of Public Safety.

(b)  An entity to which this article applies that investigates the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, that may involve human trafficking, shall submit to the attorney general a report in the manner and form prescribed by the attorney general containing the following information:

(1)  the offense being investigated, including a brief description of the alleged prohibited conduct;

(2)  regarding each person suspected of committing the offense and each victim of the offense, as applicable:

(A)  the person's:

(i)  age;

(ii)  gender; and

(iii)  race or ethnicity, as defined by Article 2B.0051; and

(B)  the case number associated with the offense and with the person suspected of committing the offense;

(3)  the date, time, and location of the alleged offense;

(4)  the type of human trafficking involved, including:

(A)  forced labor or services, as defined by Section 20A.01, Penal Code;

(B)  causing the victim by force, fraud, or coercion to engage in prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(3), Penal Code; or

(C)  causing a child victim by any means to engage in, or become the victim of, prohibited conduct involving one or more sexual activities, including conduct described by Section 20A.02(a)(7), Penal Code;

(5)  if available, information regarding any victims' service organization or program to which the victim was referred as part of the investigation; and

(6)  the disposition of the investigation, if any, regardless of the manner of disposition.

(c)  An attorney representing the state who prosecutes the alleged commission of an offense under Chapter 20A, Penal Code, or the alleged commission of an offense under Chapter 43, Penal Code, that may involve human trafficking, shall submit to the attorney general the following information:

(1)  the offense being prosecuted, including a brief description of the alleged prohibited conduct;

(2)  any other charged offense that is part of the same criminal episode out of which the offense described by Subdivision (1) arose;

(3)  the information described by Subsections (b)(2), (3), (4), and (5); and

(4)  the disposition of the prosecution, regardless of the manner of disposition.

(d)  The attorney general may enter into a contract with a university that provides for the university's assistance in the collection and analysis of information received under this article.

(e)  In consultation with the entities described by Subsection (a), the attorney general shall adopt rules to administer this article, including rules prescribing:

(1)  the form and manner of submission of a report required by Subsection (b) or (c); and

(2)  additional information to include in a report required by Subsection (b) or (c). (Code Crim. Proc., Art. 2.305.)

Art. 2A.206.  LAW ENFORCEMENT AGENCIES: REPORT FOR OFFICER-INVOLVED INJURIES OR DEATHS. (a) In this article:

(1)  "Deadly weapon" means:

(A)  a firearm or any object manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or

(B)  any object that in the manner of its use or intended use is capable of causing death or serious bodily injury.

(2)  "Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

(b)  The attorney general by rule shall create a written and electronic form for the reporting by law enforcement agencies of an officer-involved injury or death. The form must include spaces to report only the following information:

(1)  the date the incident occurred;

(2)  the location where the incident occurred;

(3)  the age, gender, and race or ethnicity of each peace officer involved in the incident;

(4)  if known, the age, gender, and race or ethnicity of each injured or deceased person involved in the incident;

(5)  whether the person was injured or died as a result of the incident;

(6)  whether each injured or deceased person used, exhibited, or was carrying a deadly weapon during the incident;

(7)  whether each peace officer involved in the incident was on duty during the incident;

(8)  whether each peace officer involved in the incident was responding to an emergency call or a request for assistance and, if so, whether the officer responded to that call or request with one or more other peace officers; and

(9)  whether the incident occurred during or as a result of:

(A)  the execution of a warrant; or

(B)  a hostage, barricade, or other emergency situation.

(c)  Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident shall complete and submit a written or electronic report, using the form created under Subsection (b), to the attorney general. The report must include all information described in Subsection (b).

(d)  Not later than the fifth day after the date of receipt of a report submitted under Subsection (c), the attorney general shall post a copy of the report on the attorney general's Internet website.

(e)  Not later than March 1 of each year, the attorney general shall submit a report regarding all officer-involved injuries or deaths that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

(1)  the total number of officer-involved injuries or deaths;

(2)  a summary of the reports submitted to the attorney general under this article; and

(3)  a copy of each report submitted to the attorney general under this article. (Code Crim. Proc., Art. 2.139.)

Art. 2A.207.  LAW ENFORCEMENT AGENCIES: REPORT FOR CERTAIN INJURIES OR DEATHS OF PEACE OFFICERS. (a) The attorney general by rule shall create a written and electronic form for the reporting by law enforcement agencies of an incident in which a person who is not a peace officer discharges a firearm and causes injury or death to a peace officer who is performing an official duty. The form must include spaces to report only the following information:

(1)  the date the incident occurred;

(2)  the location where the incident occurred;

(3)  the age, gender, and race or ethnicity of each injured or deceased peace officer involved in the incident;

(4)  if known, the age, gender, and race or ethnicity of each person who discharged a firearm and caused injury or death to a peace officer involved in the incident; and

(5)  whether the officer or any other person was injured or died as a result of the incident.

(b)  Not later than the 30th day after the date of the occurrence of an incident described by Subsection (a), the law enforcement agency employing the injured or deceased officer at the time of the incident shall complete and submit a written or electronic report, using the form created under that subsection, to the attorney general. The report must include all information described in Subsection (a).

(c)  Not later than March 1 of each year, the attorney general shall submit a report regarding all incidents described by Subsection (a) that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

(1)  the total number of incidents that occurred;

(2)  a summary of the reports submitted to the attorney general under this article; and

(3)  a copy of each report submitted to the attorney general under this article. (Code Crim. Proc., Art. 2.1395.)

Art. 2A.208.  NOTICE OF VIOLATION OF REPORTING REQUIREMENTS FOR CERTAIN INJURIES OR DEATHS; CIVIL PENALTY. (a) The attorney general shall conduct an investigation after receiving a written and signed report, on a form prescribed by the attorney general, asserting that a law enforcement agency failed to submit a report required by Article 2A.206 or 2A.207. If the attorney general determines that the law enforcement agency failed to submit the report, the attorney general shall provide notice of the failure to the agency. The notice must summarize the applicable reporting requirement and state that the agency may be subject to a civil penalty as provided by Subsection (b) or (c), as applicable.

(b)  Except as provided by Subsection (c), a law enforcement agency that fails to submit the required report on or before the seventh day after the date of receiving notice under Subsection (a) is liable for a civil penalty in the amount of $1,000 for each day after the seventh day that the agency fails to submit the report.

(c)  Beginning on the day after the date of receiving notice under Subsection (a), a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty under Subsection (b) or this subsection is liable for a civil penalty for each day the agency fails to submit the required report. The amount of a civil penalty under this subsection is $10,000 for the first day and $1,000 for each additional day that the agency fails to submit the report.

(d)  The attorney general may sue to collect a civil penalty under this article.

(e)  A civil penalty collected under this article shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter J, Chapter 56B. (Code Crim. Proc., Art. 2.13951.)

Art. 2A.209.  DUTIES OF LAW ENFORCEMENT AGENCY FILING CASE. (a)  In this article:

(1)  "Attorney representing the state" means an attorney authorized by law to represent the state in a criminal case, including a district attorney, criminal district attorney, or county attorney with criminal jurisdiction.  The term does not include an attorney representing the state in a justice or municipal court under Chapter 45.

(2)  "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b)  A law enforcement agency filing a case with an attorney representing the state shall submit to the attorney representing the state a written statement by an agency employee with knowledge of the case acknowledging that all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant in the case under Article 39.14 have been disclosed to the attorney representing the state.

(c)  If at any time after a case is filed with an attorney representing the state the law enforcement agency discovers or acquires any additional document, item, or information required to be disclosed to the defendant under Article 39.14, an agency employee shall promptly disclose the document, item, or information to the attorney representing the state. (Code Crim. Proc., Art. 2.1397.)

Art. 2A.210.  JUDGES: REPORTING OF CERTAIN ALIENS TO FEDERAL GOVERNMENT. A judge shall report to United States Immigration and Customs Enforcement a person who:

(1)  has been convicted of an offense or placed on deferred adjudication community supervision for a felony in the judge's court; and

(2)  is an illegal criminal alien as defined by Section 493.015, Government Code. (Code Crim. Proc., Art. 2.25.)

Art. 2A.211.  CLERKS: HATE CRIME REPORTING. (a) The clerk of a district or county court in which an affirmative finding under Article 42.014 is requested shall report that request to the Texas Judicial Council, along with a statement as to whether the request was granted by the court and, if so, whether the affirmative finding was entered in the judgment in the case.

(b)  The clerk shall make the report required by Subsection (a) not later than the 30th day after the date the judgment is entered in the case. (Code Crim. Proc., Art. 2.211.)

Art. 2A.212.  CLERKS: WRIT OF ATTACHMENT REPORTING. Not later than the 30th day after the date a writ of attachment is issued in a district court, statutory county court, or county court, the clerk of the court shall report to the Texas Judicial Council:

(1)  the date the attachment was issued;

(2)  whether the attachment was issued in connection with a grand jury investigation, criminal trial, or other criminal proceeding;

(3)  the name of the person requesting and of the judge issuing the attachment; and

(4)  the statutory authority under which the attachment was issued. (Code Crim. Proc., Art. 2.212.)

Art. 2A.213.  CLERKS, STATE AGENCIES, AND ATTORNEYS REPRESENTING STATE: REPORT TO ATTORNEY GENERAL. (a) On written request by the attorney general, the clerk of a district or county court shall report to the attorney general information in court records that relates to a criminal matter, including information requested for purposes of federal habeas review. The clerk shall provide the report:

(1)  not later than the 10th day after the date the request is received; and

(2)  in the form prescribed by the attorney general.

(b)  On written request by the attorney general, a state agency or the office of an attorney representing the state shall provide to the attorney general any record that is needed for purposes of federal habeas review. The agency or office shall provide the record:

(1)  not later than the 10th day after the date the request is received; and

(2)  in the form prescribed by the attorney general.

(c)  A district court, county court, state agency, or office of an attorney representing the state may not restrict or delay the reproduction or delivery of a record requested by the attorney general under this article. (Code Crim. Proc., Art. 2.23.)

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CHAPTER 2B. LAW ENFORCEMENT INTERACTIONS WITH PUBLIC

SUBCHAPTER A. GENERAL PROVISIONS

Art. 2B.0001.  DEFINITIONS. In this chapter:

(1)  "Commission" means the Texas Commission on Law Enforcement.

(2)  "Department" means the Department of Public Safety of the State of Texas. (Occ. Code, Sec. 1701.651(2); New.)

SUBCHAPTER B. RACIAL PROFILING; MOTOR VEHICLE STOPS

Art. 2B.0051.  DEFINITIONS. In this subchapter:

(1)  "Bodily injury" has the meaning assigned by Section 1.07, Penal Code.

(2)  "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3)  "Race or ethnicity" means the following categories:

(A)  Alaska native or American Indian;

(B)  Asian or Pacific Islander;

(C)  black;

(D)  Hispanic or Latino; and

(E)  white.

(4)  "Racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. (Code Crim. Proc., Arts. 2.132(a)(2), (3), (b) (part), 2.133(a), (b) (part), 2.134(a), 3.05.)

Art. 2B.0052.  RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling. (Code Crim. Proc., Art. 2.131.)

Art. 2B.0053.  LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article, "law enforcement agency" means an agency of this state, or of a county, municipality, or other political subdivision of this state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(b)  Each law enforcement agency shall adopt a detailed written policy on racial profiling. The policy must:

(1)  clearly define acts constituting racial profiling;

(2)  strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3)  implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4)  provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5)  require the agency employing a peace officer to take appropriate corrective action against the peace officer after an investigation shows that the peace officer has engaged in racial profiling in violation of the agency's policy adopted under this article;

(6)  require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A)  the race or ethnicity of the individual detained;

(B)  whether a search was conducted and, if so, whether the individual detained consented to the search;

(C)  whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D)  whether the peace officer used physical force that resulted in bodily injury during the stop;

(E)  the location of the stop; and

(F)  the reason for the stop; and

(7)  require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A)  the commission; and

(B)  the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of this state.

(c)  On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which there is a video or audio recording of the occurrence that is the basis for the complaint, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer for a copy of the recording.

(d)  A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in the agency's practices and policies regarding motor vehicle stops.

(e)  A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information required by a policy under Subsection (b)(6).

(f)  The commission shall begin disciplinary procedures against the chief administrator of a law enforcement agency if the commission finds that the chief administrator intentionally failed to submit a report required under Subsection (b)(7). (Code Crim. Proc., Arts. 2.132(a)(1), (b) (part), (e), (f), (g), (h).)

Art. 2B.0054.  REPORTS REQUIRED FOR MOTOR VEHICLE STOPS. (a) A peace officer who makes a motor vehicle stop shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1)  a physical description of any individual operating the motor vehicle who is detained as a result of the stop, including:

(A)  the individual's gender; and

(B)  the individual's race or ethnicity, as stated by the individual or, if the individual does not state the individual's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2)  the initial reason for the stop;

(3)  whether the officer conducted a search as a result of the stop and, if so:

(A)  whether the individual detained consented to the search;

(B)  the reason for the search, including whether:

(i)  any contraband or other evidence was in plain view;

(ii)  any probable cause or reasonable suspicion existed to perform the search; or

(iii)  the search was performed because the motor vehicle was towed or because of the arrest of any individual in the motor vehicle; and

(C)  whether any contraband or other evidence was discovered during the search and a description of the contraband or evidence;

(4)  whether the officer made an arrest as a result of the stop or the search and, if so, a statement of:

(A)  whether the arrest was based on:

(i)  a violation of the Penal Code;

(ii)  a violation of a traffic law or ordinance; or

(iii)  an outstanding warrant; and

(B)  the offense charged;

(5)  the street address or approximate location of the stop;

(6)  whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(7)  whether the officer used physical force that resulted in bodily injury during the stop.

(b)  The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (a) to ensure that the race or ethnicity of the individual operating the motor vehicle is reported. (Code Crim. Proc., Arts. 2.133(b) (part), (c).)

Art. 2B.0055.  COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2B.0054.

(b)  Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to:

(1)  the commission; and

(2)  the governing body of each county or municipality served by the agency, if the law enforcement agency is a local law enforcement agency.

(c)  A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed. The report must include:

(1)  a comparative analysis of the information compiled under Article 2B.0054 to:

(A)  evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of:

(i)  individuals recognized as members of racial or ethnic minority groups; and

(ii)  individuals not recognized as members of racial or ethnic minority groups;

(B)  examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the individuals affected, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C)  evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered during those searches; and

(2)  information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d)  A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2B.0054(a)(1).

(e)  The commission, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f)  The commission shall begin disciplinary procedures against the chief administrator of a law enforcement agency if the commission finds that the chief administrator intentionally failed to submit a report required under Subsection (b). (Code Crim. Proc., Arts. 2.134(b), (c), (d), (e), (g).)

Art. 2B.0056.  PRIMA FACIE EVIDENCE. The data collected as a result of the reporting requirements of Articles 2B.0053 and 2B.0055 does not constitute prima facie evidence of racial profiling. (Code Crim. Proc., Arts. 2.132(c), 2.134(f).)

Art. 2B.0057.  LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2B.0054 or under a policy adopted under Article 2B.0053. (Code Crim. Proc., Art. 2.136.)

Art. 2B.0058.  CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data required by Article 2B.0055, the agency is liable to the state for a civil penalty in an amount not to exceed $5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b)  From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data required by Article 2B.0055 shall remit to the comptroller the amount of $1,000 for each violation.

(c)  Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund. (Code Crim. Proc., Art. 2.1385.)

Art. 2B.0059.  RULES. The department may adopt rules to implement Articles 2B.0052, 2B.0053, 2B.0054, 2B.0055, 2B.0056, and 2B.0057. (Code Crim. Proc., Art. 2.138.)

SUBCHAPTER C. BODY WORN CAMERA PROGRAM

Art. 2B.0101.  DEFINITIONS. In this subchapter:

(1)  "Body worn camera" means a recording device that is:

(A)  capable of recording, or transmitting to be recorded remotely, video or audio; and

(B)  worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

(2)  "Officer" and "peace officer" have the meanings assigned by Section 1701.001, Occupations Code.

(3)  "Private space" means a location in which an individual has a reasonable expectation of privacy, including an individual's home. (Occ. Code, Secs. 1701.651(1), (3); New.)

Art. 2B.0102.  GRANTS FOR BODY WORN CAMERAS. (a) A police department of a municipality in this state, a sheriff of a county in this state who has received the approval of the commissioners court for the purpose, or the department may apply to the governor's office for a grant to defray the cost of implementing this subchapter and to equip peace officers with body worn cameras if that law enforcement agency employs officers who:

(1)  engage in traffic or highway patrol or otherwise regularly detain or stop motor vehicles; or

(2)  are primary responders who respond directly to calls for assistance from the public.

(b)  The governor's office shall set deadlines for applications for grants under this subchapter.

(c)  Except as provided by Subsection (d), the governor's office shall create and implement a matching grant program under which matching funds from federal, state, local, and other funding sources may be required as a condition of the grant. A law enforcement agency that receives a grant under this article is required to match 25 percent of the grant money.

(d)  The department is eligible for grants under this subchapter but is not subject to any requirement for matching funds.

(e)  The governor's office may conditionally award a grant to a law enforcement agency that has not adopted and implemented the policy under Article 2B.0106 or implemented the training required under Article 2B.0107. Money may not be disbursed to the law enforcement agency until the agency fully complies with those articles. (Occ. Code, Sec. 1701.652.)

Art. 2B.0103.  GRANTS FOR BODY WORN CAMERA DATA STORAGE.  (a)  A law enforcement agency in this state that provides body worn cameras to its peace officers may apply to the office of the governor for a grant to defray the cost of data storage for recordings created with the body worn cameras.

(b)  The grant program established by this article may be funded by federal funds or by gifts, grants, and donations. (Occ. Code, Sec. 1701.6521.)

Art. 2B.0104.  REPORTING. (a) As a condition of receiving a grant under this subchapter, a law enforcement agency shall report to the commission annually regarding the costs of implementing a body worn camera program, including all known equipment costs and costs for data storage.

(b)  The commission shall compile the information submitted under Subsection (a) into a report and submit the report to the governor's office and the legislature not later than December 1 of each year. (Occ. Code, Sec. 1701.653.)

Art. 2B.0105.  INTERAGENCY OR INTERLOCAL CONTRACTS. A law enforcement agency in this state may enter into an interagency or interlocal contract to receive body worn camera services and have the identified operations performed through a program established by the Department of Information Resources. (Occ. Code, Sec. 1701.654.)

Art. 2B.0106.  BODY WORN CAMERA POLICY. (a) A law enforcement agency that receives a grant to provide body worn cameras to the agency's peace officers or that otherwise operates a body worn camera program shall adopt a policy for the use of body worn cameras.

(b)  A policy described by Subsection (a) must ensure that a body worn camera is activated only for a law enforcement purpose and must include:

(1)  guidelines for when a peace officer should activate a camera or discontinue a recording currently in progress, considering the need for privacy in certain situations and at certain locations;

(2)  provisions relating to:

(A)  data retention, including a provision requiring the retention of video for at least 90 days;

(B)  storage of video and audio;

(C)  creation of backup copies of the video and audio;

(D)  maintenance of data security; and

(E)  the collection of a body worn camera, including the applicable video and audio recorded by the camera, as evidence;

(3)  guidelines for public access, through open records requests, to recordings that are public information;

(4)  provisions entitling an officer to access any recording of an incident involving the officer before the officer is required to make a statement about the incident;

(5)  procedures for supervisory or internal review; and

(6)  provisions for the handling and documenting of equipment and malfunctions of equipment.

(c)  A policy described by Subsection (a) may not require a peace officer to keep a body worn camera activated for the entire period of the officer's shift.

(d)  A policy described by Subsection (a) must require a peace officer who is equipped with a body worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy.

(e)  A policy adopted under this article must be consistent with the Federal Rules of Evidence and Texas Rules of Evidence. (Occ. Code, Sec. 1701.655.)

Art. 2B.0107.  TRAINING. (a) Before a law enforcement agency may operate a body worn camera program, the agency must provide training to:

(1)  peace officers who will wear the body worn cameras; and

(2)  any other personnel who will come into contact with video and audio data obtained from the use of body worn cameras.

(b)  The commission, in consultation with the department, the Bill Blackwood Law Enforcement Management Institute of Texas, the Caruth Police Institute at Dallas, and the Texas Police Chiefs Association, shall develop or approve a curriculum for a training program under this article. (Occ. Code, Sec. 1701.656.)

Art. 2B.0108.  RECORDING INTERACTIONS WITH PUBLIC. (a) A peace officer equipped with a body worn camera shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances a body worn camera must be activated.

(b)  A peace officer equipped with a body worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any encounter with an individual that is not related to an investigation.

(c)  A peace officer who does not activate a body worn camera in response to a call for assistance shall include in the officer's incident report or otherwise note in the case file or record the reason for not activating the camera.

(d)  Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable must be based on whether a reasonable officer under the same or similar circumstances would have made the same decision. (Occ. Code, Sec. 1701.657.)

Art. 2B.0109.  USE OF PERSONAL EQUIPMENT. (a) If a law enforcement agency receives a grant under Article 2B.0102, a peace officer who is employed by the agency and who is on duty may only use a body worn camera that is issued and maintained by that agency.

(b)  Notwithstanding any previous policy, an agency may not allow its peace officers to use privately owned body worn cameras after receiving a grant described by this article.

(c)  A peace officer who is employed by a law enforcement agency that has not received a grant described by this article or who has not otherwise been provided with a body worn camera by the agency that employs the officer may operate a body worn camera that is privately owned only if permitted by the employing agency.

(d)  An agency that authorizes the use of privately owned body worn cameras under Subsection (c) must make provisions for the security and compatibility of the recordings made by those cameras. (Occ. Code, Sec. 1701.658.)

Art. 2B.0110.  OFFENSE. (a) A peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency.

(b)  An offense under this article is a Class A misdemeanor. (Occ. Code, Sec. 1701.659.)

Art. 2B.0111.  RECORDINGS AS EVIDENCE. (a) Except as provided by Subsections (b) and (c), a recording created with a body worn camera that documents an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.

(b)  A law enforcement agency may permit an individual who is depicted in a recording of an incident described by Subsection (a) or, if the individual is deceased, the individual's authorized representative, to view the recording, if the law enforcement agency determines that the viewing furthers a law enforcement purpose and any authorized representative who is permitted to view the recording was not a witness to the incident. An individual viewing a recording under this subsection may not duplicate the recording or capture video or audio from the recording. A permitted viewing of a recording under this subsection is not considered to be a release of public information for purposes of Chapter 552, Government Code.

(c)  A law enforcement agency may release to the public a recording described by Subsection (a) if the law enforcement agency determines that the release furthers a law enforcement purpose.

(d)  This article does not affect the authority of a law enforcement agency to withhold under Section 552.108, Government Code, information related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision. (Occ. Code, Sec. 1701.660.)

Art. 2B.0112.  RELEASE OF INFORMATION RECORDED BY BODY WORN CAMERA. (a) A member of the public who submits a written request to a law enforcement agency for information recorded by a body worn camera must include with the request:

(1)  the date and approximate time of the recording;

(2)  the specific location where the recording occurred; and

(3)  the name of one or more individuals known to be a subject of the recording.

(b)  Failure to provide all of the information required by Subsection (a) does not preclude the requestor from making a future request for the same recorded information.

(c)  Except as provided by Subsection (d), information recorded by a body worn camera and held by a law enforcement agency under this subchapter is not subject to Section 552.021, Government Code.

(d)  Information that is or could be used as evidence in a criminal prosecution is subject to Section 552.021, Government Code.

(e)  A law enforcement agency may:

(1)  seek to withhold information subject to Subsection (d) in accordance with procedures provided by Section 552.301, Government Code;

(2)  assert any exception to disclosure under Chapter 552, Government Code, or other law; or

(3)  release information requested in accordance with Subsection (a) after the agency redacts any information made confidential under Chapter 552, Government Code, or other law.

(f)  A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the individual who is the subject of that portion of the recording or, if the individual is deceased, from the individual's authorized representative.

(g)  The attorney general shall set a proposed fee to be charged to members of the public who seek to obtain a copy of a recording under this article in an amount sufficient to cover the cost of reviewing and making the recording. A law enforcement agency may provide a copy without charge or at a reduced charge if the agency determines that waiver or reduction of the charge is in the public interest.

(h)  A recording is confidential and excepted from the requirements of Chapter 552, Government Code, if the recording:

(1)  was not required to be made under this subchapter, another law, or a policy adopted by the appropriate law enforcement agency; and

(2)  does not relate to a law enforcement purpose. (Occ. Code, Sec. 1701.661.)

Art. 2B.0113.  BODY WORN CAMERA RECORDINGS; REQUEST FOR ATTORNEY GENERAL DECISION REGARDING PUBLIC INFORMATION. (a) Notwithstanding Section 552.301(b), Government Code, a governmental body's request for a decision from the attorney general about whether a requested body worn camera recording falls within an exception to public disclosure is considered timely if made not later than the 20th business day after the date of receipt of the written request.

(b)  Notwithstanding Section 552.301(d), Government Code, a governmental body's response to a requestor regarding a requested body worn camera recording is considered timely if made not later than the 20th business day after the date of receipt of the written request.

(c)  Notwithstanding Section 552.301(e), Government Code, a governmental body's submission to the attorney general of the information required by that subsection regarding a requested body worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request.

(d)  Notwithstanding Section 552.301(e-1), Government Code, a governmental body's submission to a requestor of the information required by that subsection regarding a requested body worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request. (Occ. Code, Sec. 1701.662.)

Art. 2B.0114.  PRODUCTION OF BODY WORN CAMERA RECORDING IN RESPONSE TO VOLUMINOUS PUBLIC INFORMATION REQUESTS. (a) For purposes of this article, "voluminous request" includes:

(1)  a request for body worn camera recordings from more than five separate incidents;

(2)  more than five separate requests for body worn camera recordings from the same individual in a 24-hour period, regardless of the number of incidents included in each request; and

(3)  a request or multiple requests from the same individual in a 24-hour period for body worn camera recordings that, taken together, constitute more than five hours of video footage.

(b)  Notwithstanding Section 552.221(d), Government Code, an officer for public information who is employed by a governmental body and who receives a voluminous request in accordance with Article 2B.0112(a) is considered to have promptly produced the information for purposes of Section 552.221, Government Code, if the officer takes the actions required under Section 552.221 not later than the 20th business day after the date of receipt of the written request. (Occ. Code, Sec. 1701.663.)

SUBCHAPTER D. VIDEO AND AUDIO EQUIPMENT AND RECORDINGS OF MOTOR VEHICLE STOPS

Art. 2B.0151.  FEASIBILITY OF VIDEO AND AUDIO EQUIPMENT AND RECORDINGS FOR MOTOR VEHICLE STOPS. (a) In this article:

(1)  "Law enforcement agency" has the meaning assigned by Article 2B.0053.

(2)  "Motor vehicle stop" has the meaning assigned by Article 2B.0051.

(b)  On adoption of a policy under Article 2B.0053(b), a law enforcement agency shall examine the feasibility of:

(1)  installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle that is regularly used to make motor vehicle stops;

(2)  installing transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops; and

(3)  equipping with a body worn camera, as that term is defined by Article 2B.0101, each peace officer who regularly detains or stops motor vehicles.

(c)  If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this article, the policy adopted by the agency under Article 2B.0053(b) must include standards for reviewing video and audio documentation. (Code Crim. Proc., Art. 2.132(d); New.)

Art. 2B.0152.  PROVISION OF MONEY OR EQUIPMENT. (a) The department shall adopt rules for providing money or video and audio equipment to law enforcement agencies to:

(1)  install video and audio equipment in law enforcement motor vehicles and motorcycles; or

(2)  equip peace officers with body worn cameras.

(b)  The rules described by Subsection (a) must specify criteria to prioritize money or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1)  law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2)  smaller jurisdictions; and

(3)  municipal and county law enforcement agencies.

(c)  The department shall collaborate with an institution of higher education to identify law enforcement agencies that need money or video and audio equipment for a purpose described by Subsection (a). The collaboration may include the use of a survey to assist in developing criteria to prioritize money or equipment provided to law enforcement agencies.

(d)  To receive money or video and audio equipment from the state for a purpose described by Subsection (a), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the department that the law enforcement agency needs money or video and audio equipment for that purpose.

(e)  On receipt of money or video and audio equipment from the state for a purpose described by Subsection (a), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the department that the law enforcement agency:

(1)  has taken the necessary actions to use the video and audio equipment or body worn cameras for that purpose; and

(2)  is using the video and audio equipment or body worn cameras for that purpose. (Code Crim. Proc., Art. 2.137.)

Art. 2B.0153.  RULES. The department may adopt rules to implement Articles 2B.0151 and 2B.0152. (Code Crim. Proc., Art. 2.138.)

Art. 2B.0154.  VIDEO RECORDINGS OF ARRESTS FOR INTOXICATION OFFENSES. An individual stopped or arrested on suspicion of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, is entitled to receive from the law enforcement agency employing the peace officer who made the stop or arrest a copy of any video made by or at the direction of the officer that contains footage of:

(1)  the stop;

(2)  the arrest;

(3)  the conduct of the individual stopped during any interaction with the officer, including during the administration of a field sobriety test; or

(4)  a procedure in which a specimen of the individual's breath or blood is taken. (Code Crim. Proc., Art. 2.1396.)

SUBCHAPTER E. ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS

Art. 2B.0201.  DEFINITIONS. In this subchapter:

(1)  "Electronic recording" means an audiovisual electronic recording, or an audio recording if an audiovisual electronic recording is unavailable, that is authentic, accurate, and unaltered.

(2)  "Law enforcement agency" means an agency of this state, or of a county, municipality, or other political subdivision of this state, that employs peace officers who, in the routine performance of the officers' duties, conduct custodial interrogations of individuals suspected of committing criminal offenses.

(3)  "Place of detention" means a police station or other building that is a place of operation for a law enforcement agency, including a municipal police department or county sheriff's department, and is owned or operated by the law enforcement agency to detain individuals in connection with the suspected violation of a penal law. The term does not include a courthouse. (Code Crim. Proc., Art. 2.32(a).)

Art. 2B.0202.  RECORDING OF CUSTODIAL INTERROGATION REQUIRED; EXCEPTIONS. (a) Unless good cause exists that makes electronic recording infeasible, a law enforcement agency shall make a complete and contemporaneous electronic recording of any custodial interrogation that occurs in a place of detention and is of an individual suspected of committing or charged with the commission of an offense under the following provisions of the Penal Code:

(1)  Section 19.02 (murder);

(2)  Section 19.03 (capital murder);

(3)  Section 20.03 (kidnapping);

(4)  Section 20.04 (aggravated kidnapping);

(5)  Section 20A.02 (trafficking of persons);

(6)  Section 20A.03 (continuous trafficking of persons);

(7)  Section 21.02 (continuous sexual abuse of young child or disabled individual);

(8)  Section 21.11 (indecency with a child);

(9)  Section 21.12 (improper relationship between educator and student);

(10)  Section 22.011 (sexual assault);

(11)  Section 22.021 (aggravated sexual assault); or

(12)  Section 43.25 (sexual performance by a child).

(b)  For purposes of Subsection (a), an electronic recording of a custodial interrogation is complete only if the recording:

(1)  begins at or before the time the individual being interrogated enters the area of the place of detention in which the custodial interrogation will take place or receives a warning described by Section 2(a), Article 38.22, whichever is earlier; and

(2)  continues until the time the interrogation ends.

(c)  For purposes of Subsection (a), good cause that makes electronic recording infeasible includes the following:

(1)  the individual being interrogated refused to respond or cooperate in a custodial interrogation at which an electronic recording was being made, provided that:

(A)  a contemporaneous recording of the refusal was made; or

(B)  the peace officer or agent of the law enforcement agency conducting the interrogation attempted, in good faith, to record the individual's refusal but the individual was unwilling to have the refusal recorded, and the peace officer or agent contemporaneously, in writing, documented the refusal;

(2)  the statement was not made as the result of a custodial interrogation, including a statement that was made spontaneously by the accused and not in response to a question by a peace officer;

(3)  the peace officer or agent of the law enforcement agency conducting the interrogation attempted, in good faith, to record the interrogation but:

(A)  the recording equipment did not function;

(B)  the officer or agent inadvertently operated the equipment incorrectly; or

(C)  the equipment malfunctioned or stopped operating without the knowledge of the officer or agent;

(4)  exigent public safety concerns prevented or rendered infeasible the making of an electronic recording of the statement; or

(5)  the peace officer or agent of the law enforcement agency conducting the interrogation reasonably believed at the time the interrogation commenced that the individual being interrogated was not taken into custody for or being interrogated concerning the commission of an offense listed in Subsection (a). (Code Crim. Proc., Arts. 2.32(b), (c), (d).)

Art. 2B.0203.  PUBLIC DISCLOSURE. A recording of a custodial interrogation that complies with this subchapter is exempt from public disclosure as provided by Section 552.108, Government Code. (Code Crim. Proc., Art. 2.32(e).)

SUBCHAPTER F. USE OF FORCE

Art. 2B.0251.  INTERVENTION REQUIRED FOR EXCESSIVE FORCE; REPORT REQUIRED. (a) A peace officer has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(1)  the amount of force exceeds that which is reasonable under the circumstances; and

(2)  the officer knows or should know that the other officer's use of force:

(A)  violates state or federal law;

(B)  puts a person at risk of bodily injury, as defined by Section 1.07, Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(C)  is not required to apprehend the person suspected of committing an offense.

(b)  A peace officer who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report. (Code Crim. Proc., Art. 2.1387.)

Art. 2B.0252.  USE OF NECK RESTRAINTS DURING SEARCH OR ARREST PROHIBITED. A peace officer may not intentionally use a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person. (Code Crim. Proc., Art. 2.33, as added Acts 87th Leg., R.S., Ch. 534.)

Art. 2B.0253.  LAW ENFORCEMENT POLICY ON USE OF FORCE BY DRONE. (a) In this article:

(1)  "Drone" means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

(A)  is controlled remotely by a human operator; or

(B)  operates autonomously through computer software or other programming.

(2)  "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b)  Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

(1)  adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and

(2)  not later than January 1 of each even-numbered year, submit the policy to the commission in the manner prescribed by the commission. (Code Crim. Proc., Art. 2.33, as added Acts 87th Leg., R.S., Ch. 1011.)

SUBCHAPTER G. DUTY TO REQUEST AND RENDER AID

Art. 2B.0301.  DUTY TO REQUEST AND RENDER AID. (a) Except as provided by Subsection (b), a peace officer who encounters an injured person while discharging the officer's official duties shall immediately and as necessary:

(1)  request emergency medical services personnel to provide the person with emergency medical services; and

(2)  while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skill and training.

(b)  The peace officer is not required to request emergency medical services or provide first aid or treatment under Subsection (a) if:

(1)  making the request or providing the treatment would expose the officer or another person to a risk of bodily injury; or

(2)  the officer is injured and physically unable to make the request or provide the treatment. (Code Crim. Proc., Art. 2.33, as added Acts 87th Leg., R.S., Ch. 979.)

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CHAPTER 13A. VENUE

SUBCHAPTER A. GENERAL PROVISIONS

Art. 13A.001.  VENUE GENERALLY. If venue is not specifically stated for an offense, the offense may be prosecuted in the county in which the offense was committed. (Code Crim. Proc., Art. 13.18.)

Art. 13A.002.  PLEADING AND PROVING VENUE. (a) In each case described by this chapter, the indictment or information or any other pleading may allege that the offense was committed in the county in which the prosecution is conducted.

(b)  An allegation of venue under this article may be sustained if the attorney representing the state proves by a preponderance of the evidence that, based on the facts in the case, the county in which the prosecution is conducted has venue. (Code Crim. Proc., Art. 13.17.)

Art. 13A.003.  WHEN VENUE CANNOT BE DETERMINED. If an offense has been committed in this state and the county in which the offense was committed cannot be readily determined, the offense may be prosecuted in the county:

(1)  in which the defendant resides;

(2)  in which the defendant is apprehended; or

(3)  to which the defendant is extradited. (Code Crim. Proc., Art. 13.19.)

SUBCHAPTER B. VENUE IN CERTAIN CIRCUMSTANCES

Art. 13A.051.  OFFENSE COMMITTED WHOLLY OR PARTLY OUTSIDE THIS STATE. (a) An offense committed wholly or partly outside this state under circumstances that give this state jurisdiction to prosecute the defendant may be prosecuted in any county in which:

(1)  the defendant is found; or

(2)  an element of the offense occurs.

(b)  Criminal homicide committed wholly or partly outside this state under circumstances that give this state jurisdiction to prosecute the defendant may be prosecuted in the county in which:

(1)  the injury was inflicted;

(2)  the defendant was located when the defendant inflicted the injury; or

(3)  the victim died or the victim's body was found. (Code Crim. Proc., Arts. 13.01, 13.05.)

Art. 13A.052.  OFFENSE COMMITTED OUTSIDE THIS STATE BY PERSON ACTING FOR STATE. An offense committed outside this state by any officer acting under the authority of this state under circumstances that give this state jurisdiction to prosecute the defendant may be prosecuted in:

(1)  the county in which the defendant resides; or

(2)  if a nonresident of this state, Travis County. (Code Crim. Proc., Art. 13.10.)

Art. 13A.053.  OFFENSE COMMITTED ON OR NEAR BOUNDARY. (a) An offense committed on or within 400 yards of the boundaries of two or more counties may be prosecuted in any one of those counties.

(b)  An offense committed on the premises of an airport operated jointly by two municipalities and located in two counties may be prosecuted in either county.

(c)  An offense punishable by fine only committed on or near the boundary of contiguous municipalities that have entered into an agreement authorized by Article 4.14(f) of this code and Section 29.003(h), Government Code, may be prosecuted in either of those municipalities as provided in the agreement.

(d)  An offense committed on a river or stream forming the boundary of this state may be prosecuted in the county:

(1)  the boundary of which is on the river or stream; and

(2)  the county seat of which is nearest the place where the offense was committed. (Code Crim. Proc., Arts. 13.04, 13.045, 13.06.)

Art. 13A.054.  PERSON INJURED IN ONE COUNTY AND DYING IN ANOTHER. An offense in which a person is injured in one county and, as a result of the injury, dies in another county, may be prosecuted in the county in which:

(1)  the injury was received;

(2)  the death occurred; or

(3)  the person's body is found. (Code Crim. Proc., Art. 13.07.)

Art. 13A.055.  OFFENSE COMMITTED ON VESSEL. An offense committed on board a vessel that at the time of the offense is on a navigable water in the boundaries of this State may be prosecuted in:

(1)  any county through which the vessel is navigated in the course of the voyage; or

(2)  the county in which the voyage commences or terminates. (Code Crim. Proc., Art. 13.11.)

Art. 13A.056.  CERTAIN OFFENSES COMMITTED AGAINST A CHILD. An offense under Title 5, Penal Code, involving a victim younger than 18 years of age, or an offense under Section 25.03, Penal Code, that results in bodily injury to a child younger than 18 years of age, may be prosecuted in the county in which:

(1)  an element of the offense was committed;

(2)  the defendant is apprehended;

(3)  the victim resides; or

(4)  the defendant resides. (Code Crim. Proc., Art. 13.075.)

Art. 13A.057.  VENUE BY CONSENT. With the consent of the defendant in writing, the defendant's attorney, and the attorney representing the state, the trial of a felony case without a jury may be held in any county in a judicial district for the county in which venue is otherwise authorized by law. (Code Crim. Proc., Art. 13.20.)

SUBCHAPTER C. INCHOATE OFFENSES

Art. 13A.101.  CONSPIRACY. (a) Criminal conspiracy may be prosecuted in any county in which:

(1)  the conspiracy was entered into;

(2)  the conspiracy was agreed to be executed; or

(3)  one or more of the conspirators acts to effect an object of the conspiracy.

(b)  If an object of a criminal conspiracy is an offense classified as a felony under the Tax Code, the conspiracy may be prosecuted in any county in which venue is proper under the Tax Code for the offense, regardless of whether the offense was committed.

(c)  If a criminal conspiracy was entered into outside this state under circumstances that give this state jurisdiction to prosecute the defendant, the conspiracy may be prosecuted in:

(1)  any county in which the conspiracy was agreed to be executed;

(2)  any county in which any of the conspirators were found; or

(3)  Travis County. (Code Crim. Proc., Art. 13.13.)

SUBCHAPTER D. OFFENSES AGAINST THE PERSON

Art. 13A.151.  TRAFFICKING OF PERSONS, FALSE IMPRISONMENT, KIDNAPPING, AND SMUGGLING OF PERSONS. Trafficking of persons, false imprisonment, kidnapping, or smuggling of persons may be prosecuted in any county:

(1)  in which the offense was committed; or

(2)  through, into, or out of which the victim may have been taken. (Code Crim. Proc., Art. 13.12.)

Art. 13A.152.  SEXUAL ASSAULT. Sexual assault may be prosecuted in any county:

(1)  in which the offense was committed; or

(2)  in which the victim was abducted, if applicable, or through or into which the victim was transported in the course of the abduction and sexual assault. (Code Crim. Proc., Art. 13.15 (part).)

SUBCHAPTER E. OFFENSES AGAINST THE FAMILY

Art. 13A.201.  BIGAMY. Bigamy may be prosecuted in any county in which:

(1)  the bigamous marriage occurred;

(2)  the parties to the bigamous marriage live together as spouses; or

(3)  a party to the bigamous marriage not charged with the offense resides. (Code Crim. Proc., Art. 13.14.)

Art. 13A.202.  CRIMINAL NONSUPPORT. Criminal nonsupport may be prosecuted in the county in which the person for whom support is not provided resides at the time the information or indictment is presented. (Code Crim. Proc., Art. 13.16.)

Art. 13A.203.  PROTECTIVE ORDER OFFENSES. An offense under Section 25.07 or 25.072, Penal Code, may be prosecuted in any county in which:

(1)  the protective order was issued; or

(2)  the offense was committed, without regard to the identity or location of the court that issued the protective order. (Code Crim. Proc., Art. 13.38.)

Art. 13A.204.  CONTINUOUS VIOLENCE AGAINST THE FAMILY. An offense under Section 25.11, Penal Code, may be prosecuted in any county in which the defendant engaged in the conduct constituting an offense under Section 22.01(a)(1), Penal Code, against a person described by Section 25.11(a), Penal Code. (Code Crim. Proc., Art. 13.072.)

SUBCHAPTER F. OFFENSES AGAINST PROPERTY

Art. 13A.251.  THEFT; ORGANIZED RETAIL THEFT; CARGO THEFT. (a) An offense involving property that is stolen in one county and removed to another county may be prosecuted in any county:

(1)  in which the property was stolen; or

(2)  through or into which the property was removed.

(b)  An offense under Section 31.16 or 31.18, Penal Code, may be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense. (Code Crim. Proc., Art. 13.08.)

Art. 13A.252.  UNAUTHORIZED USE OF A VEHICLE. Unauthorized use of a vehicle may be prosecuted in:

(1)  any county in which the unauthorized use of the vehicle occurred; or

(2)  the county in which the vehicle was originally reported stolen. (Code Crim. Proc., Art. 13.23.)

Art. 13A.253.  UNAUTHORIZED ACQUISITION OR TRANSFER OF CERTAIN FINANCIAL INFORMATION. An offense under Section 31.17, Penal Code, may be prosecuted in:

(1)  any county in which the offense was committed; or

(2)  the county in which the victim resides. (Code Crim. Proc., Art. 13.295.)

Art. 13A.254.  FORGERY. Forgery may be prosecuted in:

(1)  any county in which the writing was:

(A)  forged;

(B)  used or passed or attempted to be used or passed; or

(C)  deposited or placed with another person, firm, association, or corporation for collection or credit for the account of any person, firm, association, or corporation; or

(2)  if the forging and the uttering, using, or passing of a forged instrument in writing concerns or affects the title to real property in this state, a county in which any part of the property is located. (Code Crim. Proc., Art. 13.02.)

Art. 13A.255.  CREDIT CARD OR DEBIT CARD ABUSE. An offense under Section 32.31, Penal Code, may be prosecuted in any county in which:

(1)  the offense was committed; or

(2)  any person whose credit card or debit card was unlawfully possessed or used resides. (Code Crim. Proc., Art. 13.291.)

Art. 13A.256.  HINDERING SECURED CREDITORS. An offense involving secured property that is taken from one county and unlawfully disposed of in another county or state may be prosecuted in the county:

(1)  in which the secured property was disposed of;

(2)  from which the secured property was removed; or

(3)  in which the security agreement is filed. (Code Crim. Proc., Art. 13.09.)

Art. 13A.257.  ILLEGAL RECRUITMENT OF AN ATHLETE. Illegal recruitment of an athlete may be prosecuted in any county in which:

(1)  the offense was committed; or

(2)  is located the institution of higher education in which the athlete agreed or was influenced to enroll. (Code Crim. Proc., Art. 13.24.)

Art. 13A.258.  MISAPPLICATION OF CERTAIN PROPERTY. (a) Except as provided by Subsection (b), an offense involving the misapplication of property held as a fiduciary or property of a financial institution in one county and the removal of that property to another county may be prosecuted in any county:

(1)  in which the property was misapplied;

(2)  through or into which the property was removed; or

(3)  in which the fiduciary was appointed to serve, if applicable.

(b)  An offense related to misapplication of construction trust funds under Chapter 162, Property Code, must be prosecuted in the county in which the construction project is located. (Code Crim. Proc., Art. 13.32.)

Art. 13A.259.  CERTAIN DECEPTIVE PRACTICES. An offense under Section 32.46, 32.48, or 32.49, Penal Code, may be prosecuted in any county:

(1)  from which any material document was sent; or

(2)  in which any material document was delivered. (Code Crim. Proc., Art. 13.27 (part).)

Art. 13A.260.  FRAUDULENT USE OR POSSESSION OF IDENTIFYING INFORMATION. An offense under Section 32.51, Penal Code, may be prosecuted in:

(1)  any county in which the offense was committed; or

(2)  the county in which the victim resides. (Code Crim. Proc., Art. 13.29.)

Art. 13A.261.  FRAUDULENT, SUBSTANDARD, OR FICTITIOUS DEGREE. An offense under Section 32.52, Penal Code, may be prosecuted in:

(1)  any county in which an element of the offense occurs; or

(2)  Travis County. (Code Crim. Proc., Art. 13.30.)

Art. 13A.262.  MORTGAGE FRAUD. (a) In this article, "real estate transaction" means a sale, lease, trade, exchange, gift, grant, or other conveyance of a real property interest.

(b)  Any offense under Chapter 32, Penal Code, that involves a real estate transaction may be prosecuted in:

(1)  the county in which the property is located;

(2)  any county in which part of the transaction occurred, including the generation of documentation supporting the transaction; or

(3)  if the offense is an offense under Section 32.46, 32.48, or 32.49, Penal Code, any county described by Subdivision (1) or (2) or authorized by Article 13A.259. (Code Crim. Proc., Art. 13.271.)

Art. 13A.263.  COMPUTER OFFENSES. (a) In this article, "access," "computer," "computer network," "computer program," "computer system," and "owner" have the meanings assigned by Section 33.01, Penal Code.

(b)  An offense under Chapter 33, Penal Code, may be prosecuted in any county:

(1)  that is the principal place of business of the owner or lessee of a computer, computer network, or computer system involved in the offense;

(2)  in which a defendant had control or possession of:

(A)  any proceeds of the offense; or

(B)  any books, records, documents, property, negotiable instruments, computer programs, or other material used in furtherance of the offense;

(3)  from which, to which, or through which access to a computer, computer network, computer program, or computer system was made in violation of Chapter 33, Penal Code, whether by wires, electromagnetic waves, microwaves, or any other means of communication; or

(4)  in which an individual who is a victim of the offense resides. (Code Crim. Proc., Art. 13.25.)

Art. 13A.264.  TELECOMMUNICATIONS OFFENSES. An offense under Chapter 33A, Penal Code, may be prosecuted in any county:

(1)  in which the telecommunications service originated or terminated; or

(2)  to which the bill for the telecommunications service was or would have been delivered. (Code Crim. Proc., Art. 13.26.)

Art. 13A.265.  MONEY LAUNDERING. Money laundering may be prosecuted in:

(1)  any county in which the offense was committed; or

(2)  if the prosecution is based on an offense classified as a felony under the Tax Code, any county in which venue is proper under the Tax Code for the offense. (Code Crim. Proc., Art. 13.35.)

SUBCHAPTER G. OFFENSES AGAINST PUBLIC ADMINISTRATION

Art. 13A.301.  OBSTRUCTION OR RETALIATION. An offense under Section 36.06(a)(1), Penal Code, may be prosecuted in any county in which:

(1)  the harm occurs; or

(2)  the threat to do harm originated or was received. (Code Crim. Proc., Art. 13.37.)

Art. 13A.302.  PERJURY. Perjury or aggravated perjury may be prosecuted in any county in which:

(1)  the offense was committed; or

(2)  the false statement is used or attempted to be used. (Code Crim. Proc., Art. 13.03.)

Art. 13A.303.  RECORD OF A FRAUDULENT COURT. An offense under Section 37.13, Penal Code, may be prosecuted in any county:

(1)  from which any material document was sent; or

(2)  in which any material document was delivered. (Code Crim. Proc., Art. 13.27 (part).)

Art. 13A.304.  ESCAPE; UNAUTHORIZED ABSENCE. An offense under Section 38.06 or 38.113, Penal Code, may be prosecuted in any county in which:

(1)  the offense was committed; or

(2)  the defendant committed the offense for which the defendant was placed in custody, detained, or required to submit to treatment. (Code Crim. Proc., Art. 13.28.)

SUBCHAPTER H. OFFENSES AGAINST PUBLIC ORDER AND DECENCY

Art. 13A.451.  FALSE REPORT TO INDUCE EMERGENCY RESPONSE. An offense under Section 42.0601, Penal Code, may be prosecuted in any county in which:

(1)  the defendant resides;

(2)  the false report was made; or

(3)  a law enforcement agency or other emergency responder responded to the false report. (Code Crim. Proc., Art. 13.40.)

SUBCHAPTER I. ORGANIZED CRIME

Art. 13A.501.  ENGAGING IN ORGANIZED CRIMINAL ACTIVITY. Engaging in organized criminal activity may be prosecuted in:

(1)  any county in which an act is committed to effect an objective of the combination; or

(2)  if the prosecution is based on an offense classified as a felony under the Tax Code, any county in which venue is proper under the Tax Code for the offense. (Code Crim. Proc., Art. 13.21.)

SUBCHAPTER J. OFFENSES OUTSIDE PENAL CODE

Art. 13A.551.  FAILURE TO COMPLY WITH SEX OFFENDER REGISTRATION STATUTE. An offense under Chapter 62 may be prosecuted in any county in which:

(1)  an element of the offense occurs;

(2)  the defendant last registered, verified registration, or otherwise complied with a requirement under Chapter 62;

(3)  the defendant has indicated that the defendant intends to reside, regardless of whether the defendant establishes or attempts to establish residency in that county;

(4)  the defendant is placed under custodial arrest for an offense subsequent to the defendant's most recent reportable conviction or adjudication under Chapter 62; or

(5)  the defendant resides or is found by a peace officer, regardless of how long the defendant has been in the county or intends to stay in the county. (Code Crim. Proc., Art. 13.31.)

Art. 13A.552.  CERTAIN OFFENSES COMMITTED AGAINST CHILD COMMITTED TO TEXAS JUVENILE JUSTICE DEPARTMENT. An offense described by Article 104.003(a) committed by an employee or officer of the Texas Juvenile Justice Department or a person providing services under a contract with the department against a child committed to the department may be prosecuted in:

(1)  any county in which an element of the offense occurred; or

(2)  Travis County. (Code Crim. Proc., Art. 13.34.)

Art. 13A.553.  POSSESSION AND DELIVERY OF MARIHUANA. Possession or delivery of marihuana may be prosecuted in:

(1)  any county in which the offense was committed; or

(2)  with the consent of the defendant, any county that is adjacent to and in the same judicial district as any county in which the offense was committed. (Code Crim. Proc., Art. 13.22.)

Art. 13A.554.  FAILURE TO COMPLY WITH SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT REQUIREMENT. An offense under Section 841.085, Health and Safety Code, may be prosecuted in:

(1)  any county in which an element of the offense occurs; or

(2)  the court that retains jurisdiction over the civil commitment proceeding under Section 841.082, Health and Safety Code. (Code Crim. Proc., Art. 13.315.)

CHAPTER 31A. CHANGE OF VENUE

SUBCHAPTER A. AUTHORITY TO CHANGE VENUE

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Art. 31A.002.  COURT REQUIRED TO CHANGE VENUE IN

                 CERTAIN SEXUAL ASSAULT CASES

Art. 31A.003.  CHANGE OF VENUE ON STATE'S MOTION

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Art. 31A.005.  CONTESTING MOTION TO CHANGE VENUE;

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SUBCHAPTER C. RETURNING VENUE AFTER TRIAL

Art. 31A.151.  RETURN TO COUNTY IN WHICH INDICTMENT OR

                 INFORMATION FILED; SUBSEQUENT

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Art. 31A.152.  CLERK'S DUTIES ON RETURN TO COUNTY IN

                 WHICH INDICTMENT OR INFORMATION FILED

CHAPTER 31A. CHANGE OF VENUE

SUBCHAPTER A. AUTHORITY TO CHANGE VENUE

Art. 31A.001.  CHANGE OF VENUE ON JUDGE'S OWN MOTION. (a) In a felony or misdemeanor case punishable by confinement, if the judge is satisfied that a fair and impartial trial cannot be held for any reason in the county in which the case is pending, the judge may on the judge's own motion, after providing reasonable notice to the defendant and the state and hearing evidence on the motion, order a change of venue to:

(1)  any county in the same judicial district as the county in which the case is pending or in an adjoining judicial district; or

(2)  any county not described by Subdivision (1), after 10 days' notice is provided.

(b)  An order changing venue under Subsection (a) must state the grounds for the change of venue.

(c)  An order changing venue under Subsection (a)(2) is grounds for reversal if, on timely contest by the defendant, the record of the contest affirmatively shows that any county described by Subsection (a)(1) is not subject to the same conditions that required the change of venue. (Code Crim. Proc., Art. 31.01.)

Art. 31A.002.  COURT REQUIRED TO CHANGE VENUE IN CERTAIN SEXUAL ASSAULT CASES. In a sexual assault case, a district court shall order a change of venue when necessary to secure a speedy trial. (Code Crim. Proc., Art. 13.15 (part).)

Art. 31A.003.  CHANGE OF VENUE ON STATE'S MOTION. (a) In a felony or misdemeanor case punishable by confinement, the attorney representing the state may file a written motion requesting a change of venue on the basis that:

(1)  a fair and impartial trial cannot be safely and speedily held because of:

(A)  existing combinations or influences in favor of the defendant; or

(B)  the lawless condition of affairs in the county; or

(2)  the life of the prisoner or of any witness would be jeopardized by a trial in the county in which the case is pending.

(b)  On receipt of a motion filed under Subsection (a), the judge shall:

(1)  hear evidence on the motion; and

(2)  if the judge is satisfied that the motion is sufficiently supported and that justice will be served by granting the motion, order a change of venue to any county in the judicial district in which the case is pending or in an adjoining judicial district. (Code Crim. Proc., Art. 31.02.)

Art. 31A.004.  CHANGE OF VENUE ON DEFENDANT'S MOTION. (a) In a felony or misdemeanor case punishable by confinement, the court may grant a change of venue on the written motion of the defendant, supported by the defendant's affidavit and the affidavit of at least two credible persons who are residents of the county in which the prosecution is commenced, if the court determines that the defendant cannot obtain a fair and impartial trial in the county in which the prosecution is commenced as a result of:

(1)  a prejudice against the defendant in the county; or

(2)  a dangerous combination against the defendant in the county instigated by influential persons.

(b)  An order changing venue under Subsection (a) to a county other than a county in the same judicial district as the county in which the case is pending or in an adjoining judicial district is grounds for reversal, if on timely contest by the defendant, the record of the contest affirmatively shows that any county in the judicial district in which the case is pending or in the adjoining judicial district is not subject to the same conditions that required the change of venue.

(c)  On the defendant's motion and with the consent of the attorney representing the state, the court may transfer the case to another judicial district:

(1)  for the convenience of the parties and witnesses and in the interest of justice; or

(2)  if the defendant stipulates that the defendant will enter a plea of guilty. (Code Crim. Proc., Art. 31.03.)

Art. 31A.005.  CONTESTING MOTION TO CHANGE VENUE; HEARING. (a) The credibility or the means of knowledge of a person making an affidavit for change of venue may be attacked by the affidavit of a credible person.

(b)  If an affidavit is filed to contest an affidavit for change of venue as provided by Subsection (a), the judge shall hold a hearing on the issue and grant or refuse the motion based on the law and facts in the case. (Code Crim. Proc., Art. 31.04.)

SUBCHAPTER B. ON CHANGE OF VENUE

Art. 31A.051.  CLERK'S DUTIES ON CHANGE OF VENUE. If a court orders a change of venue in a criminal case, the clerk of the court in which the prosecution is pending shall prepare and transmit to the clerk of the court to which the venue is changed:

(1)  a certified copy of the court's order directing the change of venue;

(2)  a certified copy of the defendant's bail bond or personal bond, if any;

(3)  the original papers in the case; and

(4)  a certificate of the transmitting clerk under that clerk's official seal that the papers described by Subdivision (3) are all the papers on file in the case in the court in which the prosecution is pending. (Code Crim. Proc., Art. 31.05.)

Art. 31A.052.  USE OF SERVICES OF ORIGINAL VENUE. (a) A judge ordering a change of venue under this chapter may, with the written consent of the defendant, the defendant's attorney, and the attorney representing the state:

(1)  maintain the original case number on the court's docket;

(2)  preside over the case; and

(3)  use the services of the court reporter, the court coordinator, and the clerk of the court of original venue.

(b)  If a judge takes the actions described by Subsection (a):

(1)  the court shall use the courtroom facilities and any other services or facilities of the judicial district or county to which venue is changed;

(2)  the jury, if required, must consist of residents of the judicial district or county to which venue is changed; and

(3)  notwithstanding Article 31A.051, the clerk of the court of original venue shall:

(A)  maintain the original papers of the case, including the defendant's bail bond or personal bond, if any;

(B)  make the papers described by Paragraph (A) available for trial; and

(C)  act as the clerk in the case. (Code Crim. Proc., Art. 31.09.)

Art. 31A.053.  REMOVAL OF DEFENDANT IN CUSTODY. If the defendant is in custody when venue is changed in a criminal case:

(1)  an order shall be entered for:

(A)  the defendant's removal to the county to which the venue is changed; and

(B)  the defendant's delivery to the sheriff of the county to which the venue is changed before the next succeeding term of the court of that county; and

(2)  the sheriff with custody of the defendant shall deliver the defendant as directed in the order described by Subdivision (1). (Code Crim. Proc., Art. 31.06.)

Art. 31A.054.  NO EFFECT ON SUBPOENA, ATTACHMENT, OR BAIL OF WITNESSES. When venue is changed in a criminal case, any witness who has been subpoenaed, attached, or bailed to appear and testify in the case:

(1)  is not required to be again subpoenaed, attached, or bailed; and

(2)  shall appear before the court to which venue has been changed as if there had been no change of venue. (Code Crim. Proc., Art. 31.07.)

SUBCHAPTER C. RETURNING VENUE AFTER TRIAL

Art. 31A.151.  RETURN TO COUNTY IN WHICH INDICTMENT OR INFORMATION FILED; SUBSEQUENT PROCEEDINGS. (a) On the completion of a trial in which a change of venue has been ordered and, if applicable, after the jury has been discharged, the court, with the consent of counsel for the state and the defendant, may return the case to the county in which the indictment or information was filed. Except as provided by Subsection (b), all subsequent and ancillary proceedings, including the pronouncement of sentence after appeals have been exhausted, must be heard in the county in which the indictment or information was filed.

(b)  A motion for new trial alleging jury misconduct must be heard in the county in which the case was tried. The county in which the indictment or information was filed must pay the costs of the prosecution of the motion.

(c)  Except for the review of a death sentence under Section 2(h), Article 37.071, or under Section 2(h), Article 37.072, an appeal taken in a case returned under this article to the county in which the indictment or information was filed must be docketed in the appellate district in which that county is located. (Code Crim. Proc., Art. 31.08, Secs. 1, 3.)

Art. 31A.152.  CLERK'S DUTIES ON RETURN TO COUNTY IN WHICH INDICTMENT OR INFORMATION FILED. (a) Except as provided by Subsection (b), on an order returning a case to the county in which the indictment or information was filed as provided by Article 31A.151, the clerk of the county in which the case was tried shall:

(1)  make a certified copy of:

(A)  the court's order directing the return; and

(B)  the defendant's bail bond, personal bond, or appeal bond, if any;

(2)  gather the original papers in the case and certify under official seal that the papers are all the original papers on file in the court in which the case was tried; and

(3)  transmit the items described by Subdivisions (1) and (2) to the clerk of the court in which the indictment or information was filed.

(b)  This article does not apply to a proceeding in which the clerk of the court in which the indictment or information was filed was present and performed the duties as clerk for the court under Article 31A.052. (Code Crim. Proc., Art. 31.08, Sec. 2.)

CHAPTER 45A. JUSTICE AND MUNICIPAL COURTS

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CHAPTER 45A. JUSTICE AND MUNICIPAL COURTS

SUBCHAPTER A. GENERAL PROVISIONS

Art. 45A.001.  CHAPTER PURPOSE AND OBJECTIVES. (a) The purpose of this chapter is to establish procedures for processing cases under the criminal jurisdiction of the justice and municipal courts.

(b)  This chapter is intended and shall be construed to achieve the following objectives:

(1)  to provide fair notice and a meaningful opportunity to be heard to a person appearing in a criminal proceeding in a justice or municipal court;

(2)  to ensure appropriate dignity in court procedure without undue formalism;

(3)  to promote adherence to rules with sufficient flexibility to serve the ends of justice; and

(4)  to process cases without unnecessary expense or delay. (Code Crim. Proc., Art. 45.001.)

Art. 45A.002.  DEFINITIONS. In this chapter:

(1)  "Complaint" means a sworn allegation charging an accused person with the commission of an offense.

(2)  "Cost" includes any fee, including a reimbursement fee, imposed on a defendant by a justice or judge, unless the context clearly indicates otherwise. (Code Crim. Proc., Arts. 45.004, 45.018(a).)

Art. 45A.003.  APPLICABILITY. (a) A criminal proceeding in a justice or municipal court shall be conducted in accordance with this chapter.

(b)  If this chapter does not provide a rule of procedure governing an aspect of a case, the justice or judge shall apply the other general provisions of this code to the extent necessary to achieve the objectives of this chapter. (Code Crim. Proc., Art. 45.002.)

Art. 45A.004.  RULES OF EVIDENCE. The rules of evidence that apply to the trial of a criminal action in a district court apply to a criminal proceeding in a justice or municipal court. (Code Crim. Proc., Art. 45.011.)

Art. 45A.005.  PROSECUTING ATTORNEY. (a) A county or district attorney or a deputy county or district attorney shall conduct each prosecution in a justice court.

(b)  Except as otherwise provided by law, a district attorney or a deputy district attorney with the consent of the county attorney may prosecute an appeal from a justice court.

(c)  A municipal attorney or a deputy municipal attorney shall conduct each prosecution in a municipal court.

(d)  The county attorney of the county in which a municipality is located may also represent the state in a prosecution in a municipal court in that municipality. The county attorney is not entitled to receive any fees or other compensation for representing the state in a prosecution described by this subsection.

(e)  With the consent of the county attorney, a municipal attorney or a deputy municipal attorney may prosecute an appeal from a municipal court to a county court, county court at law, or appellate court. (Code Crim. Proc., Arts. 45.101, 45.201(a), (b), (c).)

Art. 45A.006.  GENERAL DUTIES OF MUNICIPAL ATTORNEYS. The primary duty of a municipal attorney is not to convict, but to see that justice is done. (Code Crim. Proc., Art. 45.201(d).)

SUBCHAPTER B. COURT RECORDS

Art. 45A.051.  ELECTRONIC RECORDS. (a) Notwithstanding any other law, a document issued or maintained by a justice or municipal court or a notice or a citation issued by a law enforcement officer may be created by electronic means, including:

(1)  optical imaging;

(2)  optical disk;

(3)  digital imaging; or

(4)  another electronic reproduction technique that does not permit changes, additions, or deletions to the originally created document.

(b)  A justice or municipal court may use electronic means to:

(1)  produce a document required by law to be written;

(2)  record an instrument, paper, or notice that is permitted or required by law to be recorded or filed; or

(3)  maintain a docket.

(c)  Information in a docket may be processed and stored using electronic data processing equipment, at the discretion of the justice or judge.

(d)  A justice or municipal court shall maintain original documents as provided by law.

(e)  An electronically recorded judgment has the same force and effect as a written signed judgment.

(f)  A record created by electronic means is an original record or a certification of the original record.

(g)  A printed copy of an optical image of the original record printed from an optical disk system is an accurate copy of the original record.

(h)  A statutory requirement that a document contain the signature of any person, including a judge, clerk of the court, or defendant, is satisfied if the document contains that signature as captured on an electronic device. (Code Crim. Proc., Arts. 45.012(a), (b), (c), (d), (e), (f), (h), 45.017(b).)

Art. 45A.052.  COURT SEAL. (a) A justice or municipal court shall have a court seal.

(b)  The impression of the court seal must be:

(1)  attached to all papers issued out of the justice or municipal court except subpoenas; and

(2)  used to authenticate the official acts of the clerk and of the recorder.

(c)  A court seal may be created by electronic means, including:

(1)  optical imaging;

(2)  optical disk; or

(3)  another electronic reproduction technique that does not permit changes, additions, or deletions to an original document created by the same type of system. (Code Crim. Proc., Art. 45.012(g).)

Art. 45A.053.  DOCKET. The justice or judge of a justice or municipal court or, if directed by the justice or judge, the clerk of the court shall keep a docket containing the following information:

(1)  the style and file number of each criminal action;

(2)  the nature of the offense charged;

(3)  the plea offered by the defendant and the date the plea was entered;

(4)  the date the warrant, if any, was issued and the return made on the warrant;

(5)  the date the examination or trial was held;

(6)  if a trial was held, whether it was by a jury or by the justice or judge;

(7)  the verdict of the jury, if any, and the date of the verdict;

(8)  the judgment and sentence of the court and the date each was entered;

(9)  the motion for new trial, if any, and the decision made on the motion; and

(10)  whether an appeal was taken and the date of that action. (Code Crim. Proc., Art. 45.017(a).)

Art. 45A.054.  FILING BY MAIL. (a) Notwithstanding any other law, for purposes of this chapter, a document is considered timely filed with the clerk of a justice or municipal court if:

(1)  the document is deposited with the United States Postal Service in a first class postage prepaid envelope properly addressed to the clerk on or before the date the document is required to be filed with the clerk; and

(2)  the clerk receives the document not later than the 10th day after the date the document is required to be filed with the clerk.

(b)  A legible postmark affixed by the United States Postal Service is prima facie evidence of the date the document is deposited with the United States Postal Service.

(c)  In this article, "day" does not include Saturday, Sunday, or a legal holiday. (Code Crim. Proc., Art. 45.013.)

Art. 45A.055.  CONFIDENTIAL RECORDS RELATED TO FINE-ONLY MISDEMEANORS. (a) Except as provided by Subsections (b) and (c), following the fifth anniversary of the date of a final conviction of, or of a dismissal after deferral of disposition for, a misdemeanor offense punishable by fine only, all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, that are held or stored by or for a justice or municipal court and relate to the person who was convicted of, or who received a dismissal after deferral of disposition for, the offense are confidential and may not be disclosed to the public.

(b)  Records, files, and information subject to Subsection (a) may be open to inspection only:

(1)  by a judge or court staff;

(2)  by a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;

(3)  by the Department of Public Safety;

(4)  by the attorney representing the state;

(5)  by the defendant or the defendant's counsel;

(6)  if the offense is a traffic offense, by an insurance company or surety company authorized to write motor vehicle liability insurance in this state; or

(7)  for the purpose of complying with a requirement under federal law, including a disclosure that is required as a condition of receiving federal highway funds.

(c)  This article does not apply to records, files, and information described by Subsection (a) that relate to an offense that is sexual in nature, as determined by the holder of the records, files, or information. (Code Crim. Proc., Art. 45.0218.)

SUBCHAPTER C. PRETRIAL PROCEEDINGS

Art. 45A.101.  COMPLAINT. (a) A complaint is sufficient, without regard to form, if the complaint substantially satisfies the following requirements:

(1)  is in writing;

(2)  begins with "In the name and by the authority of the State of Texas";

(3)  either:

(A)  states the name of the accused person; or

(B)  if the name of the accused person is unknown, includes a reasonably definite description of the accused person;

(4)  either:

(A)  shows that the accused person has committed an offense against the law of this state; or

(B)  states that the affiant has good reason to believe and does believe that the accused person has committed an offense against the law of this state;

(5)  states the date the offense was committed as definitely as the affiant is able to provide;

(6)  bears the signature or mark of the affiant; and

(7)  concludes with the words "Against the peace and dignity of the State."

(b)  If the offense charged is an offense under a municipal ordinance only, the complaint may also conclude with the words "Contrary to the said ordinance."

(c)  A complaint must allege that the offense was committed:

(1)  in the county in which the complaint is made, if filed in justice court; or

(2)  in the territorial limits of the municipality in which the complaint is made, if filed in municipal court.

(d)  A complaint may be sworn to before any officer authorized to administer oaths.

(e)  A complaint in a municipal court may be sworn to before:

(1)  the municipal judge;

(2)  the clerk of the court or a deputy clerk;

(3)  the municipal secretary; or

(4)  the municipal attorney or a deputy municipal attorney.

(f)  In a county with a population of more than two million that does not have a county attorney, a complaint for an offense under Section 32.41, Penal Code, must be approved by the district attorney, regardless of whether a collection proceeding is initiated by the district attorney under Subsection (e) of that section.

(g)  A defendant is entitled to notice of a complaint against the defendant not later than the day before the date of any proceeding in the prosecution of the defendant under the complaint. The defendant may waive the right to notice granted by this subsection. (Code Crim. Proc., Arts. 45.018(b), 45.019(a), (b), (c), (d), (e), (g).)

Art. 45A.102.  OBJECTION TO CHARGING INSTRUMENT. If the defendant does not object to a defect, error, or irregularity of form or substance in a charging instrument before the date the trial on the merits begins, the defendant waives and forfeits the right to object to the defect, error, or irregularity. This article does not prohibit a trial court from requiring that an objection to a charging instrument be made at an earlier time. (Code Crim. Proc., Art. 45.019(f).)

Art. 45A.103.  SERVICE OF PROCESS FOR MUNICIPAL COURT. (a) All process issued by a municipal court:

(1)  may be served by a peace officer or marshal of the municipality in which the court is located; and

(2)  shall be served by a peace officer or marshal described by Subdivision (1) if directed by the court.

(b)  Process must be served under Subsection (a) in accordance with the law governing a sheriff's or constable's service of process issued by a justice court, as applicable.

(c)  A peace officer or marshal of a municipality may serve process issued by a municipal court in that municipality anywhere in the county or counties in which the municipality is located. (Code Crim. Proc., Art. 45.202.)

Art. 45A.104.  ARREST WARRANT. (a) If a sworn complaint or affidavit based on probable cause has been filed before a justice or municipal court, the justice or judge may issue a warrant for the arrest of the defendant and deliver the warrant to the proper officer to be executed.

(b)  A warrant is sufficient if the warrant:

(1)  is issued in the name of "The State of Texas";

(2)  is directed to the proper peace officer or other person specifically named in the warrant;

(3)  includes a command that the defendant be taken, and brought before the authority issuing the warrant, at the time and place stated in the warrant;

(4)  either:

(A)  states the defendant's name; or

(B)  if the defendant's name is not known, describes the defendant as provided in the complaint;

(5)  states that the defendant is accused of an offense against the law of this state, naming the offense; and

(6)  is signed by the justice or judge, naming the office of the justice or judge either in the body of the warrant or in connection with the signature of the justice or judge.

(c)  Except as inconsistent or in conflict with this chapter, Chapter 15 applies to a warrant of arrest issued under this article.

(d)  In a county with a population of more than two million that does not have a county attorney, a justice or judge may not issue a warrant under this article for an offense under Section 32.41, Penal Code, unless the district attorney has approved the complaint or affidavit on which the warrant is based.

(e)  A justice or judge may not issue an arrest warrant for the defendant's failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b), unless:

(1)  the justice or judge provides by telephone or regular mail to the defendant notice that includes:

(A)  a date and time, occurring within the 30-day period following the date that notice is provided, when the defendant must appear before the justice or judge;

(B)  the name and address of the court with jurisdiction in the case;

(C)  information regarding alternatives to the full payment of any fines or costs owed by the defendant, if the defendant is unable to pay that amount;

(D)  a statement that the defendant may be entitled to a credit toward any fines or costs owed by the defendant if the defendant was confined in jail or prison after the commission of the offense for which the notice is given; and

(E)  an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and

(2)  the defendant fails to appear before the justice or judge as required by this article.

(f)  A defendant who receives notice under Subsection (e) may request an alternative date or time to appear before the justice or judge if the defendant is unable to appear on the date and time included in the notice.

(g)  A justice or judge shall recall an arrest warrant for the defendant's failure to appear if the defendant voluntarily appears and makes a good faith effort to resolve the arrest warrant before the warrant is executed. (Code Crim. Proc., Art. 45.014, as amended Acts 85th Leg., R.S., Ch. 1127.)

Art. 45A.105.  ARREST WARRANT WITHOUT COMPLAINT. If a criminal offense that a justice of the peace has jurisdiction to try is committed within the view of the justice, the justice may issue a warrant for the arrest of the offender. (Code Crim. Proc., Art. 45.103.)

Art. 45A.106.  DEFENDANT PLACED IN JAIL. If a peace officer is authorized by this title to retain a defendant in custody, the officer may place the defendant in jail in accordance with this code or other law. (Code Crim. Proc., Art. 45.015.)

Art. 45A.107.  BAIL. (a) A justice or judge may require a defendant to give a personal bond to secure the defendant's appearance in accordance with this code.

(b)  A justice or judge may not, either instead of or in addition to the personal bond, require a defendant to give a bail bond unless:

(1)  the defendant fails to appear in accordance with this code with respect to the applicable offense; and

(2)  the justice or judge determines that:

(A)  the defendant has sufficient resources or income to give a bail bond; and

(B)  a bail bond is necessary to secure the defendant's appearance in accordance with this code.

(c)  If a defendant required to give a bail bond in accordance with Subsection (b) does not give the bail bond within 48 hours after the issuance of the applicable order, the justice or judge:

(1)  shall reconsider the requirement for the defendant to give the bail bond and presume that the defendant does not have sufficient resources or income to give the bond; and

(2)  may require the defendant to give a personal bond.

(d)  A defendant may be held in custody if the defendant:

(1)  refuses to give a personal bond; or

(2)  except as provided by Subsection (c), refuses or otherwise fails to give a bail bond. (Code Crim. Proc., Art. 45.016, as amended Acts 85th Leg., R.S., Ch. 1127.)

Art. 45A.108.  FELONY OFFENSE COMMITTED IN ANOTHER COUNTY. If a complaint is made before a justice of the peace that a felony has been committed in a county other than the county in which the complaint is made, the justice shall issue a warrant for the arrest of the defendant, directed as provided in other cases, commanding that the defendant be arrested and taken before a magistrate of the county in which the felony is alleged to have been committed, immediately, for examination as provided in other cases. (Code Crim. Proc., Art. 45.102.)

SUBCHAPTER D. TRIAL

Art. 45A.151.  DEFENDANT'S PLEA. (a) A pleading of a defendant in a justice or municipal court may be oral or in writing as directed by the court.

(b)  After a jury is impaneled, or after the defendant has waived trial by jury, the defendant may enter:

(1)  a plea of guilty, not guilty, or nolo contendere; or

(2)  a special plea of double jeopardy as described by Article 27.05.

(c)  If a defendant is detained in jail before trial, the justice or judge may permit the defendant to enter any of the pleas described by Subsection (b).

(d)  If a defendant is charged with an offense involving family violence, as defined by Section 71.004, Family Code, the justice or judge must take the defendant's plea in open court. (Code Crim. Proc., Arts. 45.021, 45.0211, 45.023(a), (b).)

Art. 45A.152.  DEFENDANT'S REFUSAL TO PLEAD. If a defendant refuses to plead, the justice or judge shall enter a plea of not guilty. (Code Crim. Proc., Art. 45.024.)

Art. 45A.153.  PLEA OF GUILTY OR NOLO CONTENDERE GENERALLY. (a) On the entry of a plea of guilty or nolo contendere, the justice or municipal court may hear proof regarding the offense and assess the punishment.

(b)  A justice or judge may not accept a plea of guilty or nolo contendere from a defendant in open court unless it appears to the justice or judge that the defendant is mentally competent and the plea is free and voluntary. (Code Crim. Proc., Arts. 45.022, 45.0241.)

Art. 45A.154.  PLEA OF GUILTY OR NOLO CONTENDERE BY DEFENDANT IN JAIL. (a) If a defendant who is detained in jail enters a plea of guilty or nolo contendere, the justice or judge may, after complying with Article 15.17 and advising the defendant of the defendant's right to trial by jury, as appropriate:

(1)  accept the defendant's plea;

(2)  assess a fine, determine costs, and accept payment of the fine and costs;

(3)  give the defendant credit for time served;

(4)  determine whether the defendant is indigent; or

(5)  discharge the defendant.

(b)  Notwithstanding Article 45A.201(a), following a plea of guilty or nolo contendere entered by a defendant detained in jail, a motion for new trial must be made not later than the 10th day after the imposition of judgment and sentence. The justice or judge shall grant a motion for new trial made under this subsection. (Code Crim. Proc., Arts. 45.023(c), (d).)

Art. 45A.155.  JURY WAIVER. (a) A defendant may waive a trial by jury in writing.

(b)  If a defendant waives a trial by jury, the justice or judge shall hear and determine the case without a jury. (Code Crim. Proc., Art. 45.025.)

Art. 45A.156.  JURY SUMMONED. (a) If a defendant does not waive a trial by jury, the justice or judge shall issue a writ commanding the proper officer to summon a venire from which six qualified persons shall be selected to serve as jurors in the case.

(b)  Jurors summoned as provided by Subsection (a) shall remain in attendance, as jurors in all cases that may come up for hearing, until discharged by the justice or municipal court.

(c)  A person summoned as provided by Subsection (a) who fails to attend may be fined an amount not to exceed $100 for contempt.

(d)  If a sufficient number of jurors are not in attendance as a result of challenges or any other reason, the justice or judge shall order the proper officer to summon a sufficient number of qualified persons to form the jury. (Code Crim. Proc., Arts. 45.027, 45.028.)

Art. 45A.157.  FAILURE TO APPEAR FOR JURY TRIAL. (a) A justice or municipal court may order a defendant who does not waive a jury trial in a justice or municipal court and who fails to appear for the trial to pay a reimbursement fee for the costs incurred for impaneling the jury.

(b)  The justice or municipal court for good cause may release a defendant from the obligation to pay the reimbursement fee under this article.

(c)  An order issued by a justice or municipal court under this article may be enforced by contempt as provided by Section 21.002(c), Government Code. (Code Crim. Proc., Art. 45.026.)

Art. 45A.158.  ATTORNEY REPRESENTING STATE NOT PRESENT FOR TRIAL. If an attorney representing the state is not present when the case is called for trial, the justice or judge may:

(1)  postpone the trial to a specified date;

(2)  appoint an attorney pro tem as provided by this code to represent the state; or

(3)  proceed to trial. (Code Crim. Proc., Art. 45.031.)

Art. 45A.159.  JURY SELECTION AND FORMATION. (a) In a jury trial in a justice or municipal court, the state, and each defendant in the case, is entitled to three peremptory challenges.

(b)  The justice or judge shall form the jury and administer the appropriate oath in accordance with Chapter 35. (Code Crim. Proc., Arts. 45.029, 45.030.)

Art. 45A.160.  DEFENDANT'S RIGHT TO ATTORNEY. The defendant has a right to appear by an attorney as in all other cases. (Code Crim. Proc., Art. 45.020(a).)

Art. 45A.161.  ORDER OF ARGUMENT. The attorney representing the state may open and conclude the argument in the case. (Code Crim. Proc., Art. 45.020(b).)

Art. 45A.162.  DIRECTED VERDICT. If, on the trial of a case in a justice or municipal court, the state fails to prove a prima facie case of the offense alleged in the complaint, the defendant is entitled to a directed verdict of not guilty. (Code Crim. Proc., Art. 45.032.)

Art. 45A.163.  JURY CHARGE. (a) The judge shall charge the jury.

(b)  The charge may be made orally or in writing, except that the charge shall be made in writing if required by other law. (Code Crim. Proc., Art. 45.033.)

Art. 45A.164.  JURY KEPT TOGETHER DURING DELIBERATION. When the case is submitted to the jury, the jury shall retire in the charge of an officer and be kept together until:

(1)  the jury agrees to a verdict;

(2)  the jury is discharged; or

(3)  the court recesses. (Code Crim. Proc., Art. 45.034.)

Art. 45A.165.  MISTRIAL. (a) A justice or municipal court shall discharge a jury if the jury fails to agree to a verdict after being kept together a reasonable period.

(b)  If a jury is discharged under Subsection (a), the justice or judge may impanel another jury as soon as practicable to try the case. (Code Crim. Proc., Art. 45.035.)

Art. 45A.166.  VERDICT. (a) When the jury has agreed on a verdict, the jury shall bring the verdict into court.

(b)  The justice or judge shall ensure that the verdict is in the proper form and impose the proper judgment and sentence on the verdict. (Code Crim. Proc., Art. 45.036.)

SUBCHAPTER E. NEW TRIAL AND APPEAL

Art. 45A.201.  NEW TRIAL. (a) A motion for a new trial must be made not later than the fifth day after the imposition of judgment and sentence.

(b)  Subject to Subsection (e), not later than the 10th day after the date that the judgment is entered, a justice or judge may grant the defendant a new trial for good cause shown if the justice or judge considers that justice has not been done the defendant in the trial of the case.

(c)  If a motion for a new trial is not granted before the 11th day after the date that the judgment is entered, the motion is considered denied.

(d)  If a new trial is granted, the justice or judge shall proceed to try the case again as soon as practicable.

(e)  A defendant may be granted not more than one new trial in the same case.

(f)  The state is not entitled to a new trial in any case. (Code Crim. Proc., Arts. 45.037, 45.038, 45.039, 45.040.)

Art. 45A.202.  APPEAL. (a) An appeal from a justice or municipal court, including an appeal from a final judgment in a bond forfeiture proceeding, shall be heard by the county court or, if the county court has no jurisdiction over the case, the proper court in the county.

(b)  A de novo trial shall be held on appeal unless the appeal is:

(1)  taken from a municipal court of record; and

(2)  based on error reflected in the record.

(c)  An appeal may not be dismissed because of:

(1)  the defendant's failure to give notice of appeal in open court; or

(2)  the presence of a defect in the transcript.

(d)  In an appeal from the judgment and sentence of a justice or municipal court, if the defendant is in custody, the defendant shall be committed to jail unless the defendant is released on bail.

(e)  If the court that issued the judgment and sentence being appealed is in session, the court must approve the bail. (Code Crim. Proc., Arts. 45.042, 45.0425(a) (part), 45.0426(c).)

Art. 45A.203.  APPEAL BOND. (a) An appeal is perfected when the appeal bond has been filed:

(1)  with the justice or judge who tried the case; and

(2)  not later than the 10th day after the date the judgment was entered.

(b)  If an appeal bond is not timely filed, the appellate court does not have jurisdiction over the case and shall remand the case to the justice or municipal court for execution of the sentence.

(c)  The amount of an appeal bond may not be less than the greater of:

(1)  twice the amount of the fine and costs adjudged against the defendant; or

(2)  $50.

(d)  If an appeal bond otherwise meets the requirements of this code, the court, without requiring a court appearance by the defendant, shall approve the appeal bond in the amount the court notified the defendant would be approved under Article 27.14(b).

(e)  An appeal bond must be made payable to the State of Texas and must:

(1)  state that the defendant was convicted in the case and has appealed; and

(2)  be conditioned on the defendant:

(A)  making a personal appearance before the court to which the appeal is taken:

(i)  immediately, if the court is in session; or

(ii)  if the court is not in session, at the next regular term of the court, provided that the bond states the time and place of that session; and

(B)  remaining at the court from day to day and term to term to answer in the case. (Code Crim. Proc., Arts. 45.0425(a) (part), (b), 45.0426(a), (b).)

Art. 45A.204.  EFFECT OF APPEAL. All further proceedings in the case in the justice or municipal court must cease when a defendant files the appeal bond required by law with the justice or municipal court. (Code Crim. Proc., Art. 45.043.)

SUBCHAPTER F. JUDGMENT, FINES, AND COSTS

Art. 45A.251.  JUDGMENT. (a) The judgment and sentence for a conviction in a criminal action before a justice or judge is that the defendant pay the amount of the fine and costs to the state.

(b)  Subject to Articles 45A.253(a) and (b) and Article 45A.257, the justice or judge may direct the defendant:

(1)  to pay:

(A)  the entire fine and costs when the sentence is pronounced;

(B)  the entire fine and costs at a later date; or

(C)  a specified portion of the fine and costs at designated intervals;

(2)  if applicable, to make restitution to a victim of the offense; and

(3)  to satisfy any other sanction authorized by law.

(c)  Restitution made under Subsection (b)(2) may not exceed $5,000 for an offense under Section 32.41, Penal Code.

(d)  The justice or judge shall credit the defendant for time served in jail as provided by Article 42.03. The credit under this subsection shall be applied to the amount of the fine and costs at the rate provided by Article 45A.262.

(e)  In addition to credit under Subsection (d), in imposing a fine and costs in a case involving a misdemeanor punishable by fine only, the justice or judge shall credit the defendant for any period the defendant was confined in jail or prison while serving a sentence for another offense if that confinement occurred after the commission of the misdemeanor. The credit under this subsection shall be applied to the amount of the fine and costs at the rate of not less than $150 for each day of confinement.

(f)  All judgments, sentences, and final orders of the justice or judge shall be imposed in open court. (Code Crim. Proc., Arts. 45.041(a), (b), (b-1), (c), (c-1), (d).)

Art. 45A.252.  SUFFICIENCY OF RESOURCES TO PAY FINES OR COSTS. (a) Notwithstanding any other provision of this article, Article 45A.251, or Article 45A.253, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs.

(b)  If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:

(1)  subject to Article 45A.253(a), required to be paid at a later date or in a specified portion at designated intervals;

(2)  discharged by performing community service under, as applicable, Article 45A.254, 45A.459, or 45A.460;

(3)  waived in full or in part under Article 45A.257; or

(4)  satisfied through any combination of methods under Subdivision (1), (2), or (3). (Code Crim. Proc., Art. 45.041(a-1).)

Art. 45A.253.  DISCHARGING FINES OR COSTS. (a) In imposing a fine and costs, the justice or judge shall allow the defendant to pay the fine and costs in specified portions at designated intervals if the justice or judge determines that the defendant is unable to immediately pay the fine and costs.

(b)  A judge may allow a defendant who is a child, as defined by Article 45A.453(a), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

(1)  performing community service or receiving tutoring under Article 45A.460, regardless of whether the applicable offense occurred at a location specified by Subsection (a) of that article; or

(2)  paying the fine and costs in a manner described by Article 45A.251(b).

(c)  The defendant must make the election under Subsection (b) in writing. The defendant and, if present, the defendant's parent, guardian, or managing conservator must sign the election. The court shall maintain the written election as a record of the court and provide a copy to the defendant.

(d)  Notwithstanding Article 45A.252 or any other provision of this chapter, in imposing a fine and costs, the justice or judge may not require a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care as provided by Subchapter G, Chapter 263, Family Code, to pay any amount of the fine and costs. In lieu of the payment of fine and costs, the justice or judge may require the defendant to perform community service as provided by Article 45A.254, 45A.459, or 45A.460, as appropriate. (Code Crim. Proc., Arts. 45.041(b-2), (b-3), (b-4), (b-5), (b-6).)

Art. 45A.254.  COMMUNITY SERVICE TO SATISFY FINES OR COSTS. (a) A justice or judge may require a defendant who fails to pay a previously assessed fine or cost, or who is determined by the court to have insufficient resources or income to pay a fine or cost, to discharge all or part of the fine or cost by performing community service.

(b)  An order requiring a defendant to perform community service under this article must specify:

(1)  the number of hours of community service the defendant is required to perform; and

(2)  the date by which the defendant must submit to the court documentation verifying that the defendant completed the community service.

(c)  The justice or judge may order the defendant to perform community service under this article:

(1)  by attending:

(A)  a work and job skills training program;

(B)  a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C)  an alcohol or drug abuse program;

(D)  a rehabilitation program;

(E)  a counseling program, including a self-improvement program;

(F)  a mentoring program; or

(G)  any similar activity; or

(2)  for:

(A)  a governmental entity;

(B)  a nonprofit organization or another organization that provides to the general public services that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C)  an educational institution.

(d)  A justice or judge may not order a defendant to perform more than 16 hours each week of community service under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's dependents.

(e)  A defendant is considered to have discharged not less than $100 of fines or costs for each eight hours of community service performed under this article.

(f)  A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.

(g)  A community supervision and corrections department or a court-related services office may provide the administrative and other services necessary to supervise a defendant required to perform community service under this article.

(h)  An entity that accepts a defendant to perform community service under this article must agree to:

(1)  supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and

(2)  report on the defendant's community service to the justice or judge who ordered the service.

(i)  A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant to perform community service under this article is not liable for damages arising from an act or failure to act in connection with the community service if the act or failure to act:

(1)  was performed pursuant to court order; and

(2)  was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others. (Code Crim. Proc., Arts. 45.049(a), (b), (c), (c-1), (d), (e), (f), (i).)

Art. 45A.255.  COMMUNITY SERVICE IN CERTAIN CASES INVOLVING DEFERRED DISPOSITION. (a) This article applies only to a defendant who is a resident of this state and who is charged with:

(1)  a traffic offense; or

(2)  an offense under Section 106.05, Alcoholic Beverage Code.

(b)  If under Article 45A.303(b)(10) the judge requires a defendant described by Subsection (a) to perform community service as a condition of the deferral, the defendant is entitled to elect whether to perform the required service in the county in which:

(1)  the court is located; or

(2)  the defendant resides, but only if the applicable entity agrees to:

(A)  supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and

(B)  report to the court on the defendant's community service.

(c)  If a defendant described by Subsection (a)(2) elects to perform the required community service in the county in which the defendant resides under Subsection (b)(2), the community service must comply with Sections 106.071(d) and (e), Alcoholic Beverage Code, except that if the educational programs or services described by Section 106.071(e) are not available in the county of the defendant's residence, the court may order community service that the court considers appropriate for rehabilitative purposes. (Code Crim. Proc., Arts. 45.049(g), (h).)

Art. 45A.256.  FORFEITURE OF CASH BOND TO SATISFY FINES AND COSTS; MOTION FOR NEW TRIAL. (a) A justice or judge may enter a judgment of conviction and forfeit a cash bond posted by the defendant to satisfy the defendant's fine and costs if the defendant:

(1)  has entered a written and signed plea of nolo contendere and a waiver of jury trial; and

(2)  fails to appear according to the conditions of the defendant's release.

(b)  A justice or judge who enters a judgment of conviction and forfeiture of bond under Subsection (a) shall immediately notify the defendant in writing, by regular mail addressed to the defendant at the defendant's last known address, that:

(1)  a judgment of conviction and forfeiture of bond was entered against the defendant on a specified date and the forfeiture satisfies the defendant's fine and costs in the case; and

(2)  the defendant has a right to a new trial in the case if the defendant applies for the new trial not later than the 10th day after the date of judgment and forfeiture.

(c)  Notwithstanding Article 45A.201, the defendant may file a motion for a new trial within the period provided by Subsection (b), and the court shall grant the motion if the motion is made within that period. On the new trial, the court shall permit the defendant to withdraw the previously entered plea of nolo contendere and waiver of jury trial. (Code Crim. Proc., Art. 45.044.)

Art. 45A.257.  WAIVER OF PAYMENT OF FINES AND COSTS. (a) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine imposed on a defendant if the court determines that:

(1)  the defendant:

(A)  is indigent or does not have sufficient resources or income to pay all or part of the fine; or

(B)  was, at the time the offense was committed, a child as defined by Article 45A.453(a); and

(2)  discharging the fine under Article 45A.254 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

(b)  A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of the costs imposed on a defendant if the court determines that the defendant:

(1)  is indigent or does not have sufficient resources or income to pay all or part of the costs; or

(2)  was, at the time the offense was committed, a child as defined by Article 45A.453(a).

(c)  A defendant is presumed to be indigent or to not have sufficient resources or income to pay all or part of the fines or costs for purposes of Subsection (a) or (b) if the defendant:

(1)  is in the conservatorship of the Department of Family and Protective Services, or was in the conservatorship of that department at the time of the offense; or

(2)  is designated, or was designated at the time of the offense, as a homeless child or youth or an unaccompanied youth, as those terms are defined by 42 U.S.C. Section 11434a.

(d)  A determination of undue hardship made under Subsection (a)(2) is in the court's discretion. In making that determination, the court may consider, as applicable, the defendant's:

(1)  significant physical or mental impairment or disability;

(2)  pregnancy and childbirth;

(3)  substantial family commitments or responsibilities, including child or dependent care;

(4)  work responsibilities and hours;

(5)  transportation limitations;

(6)  homelessness or housing insecurity; and

(7)  any other factor the court determines relevant. (Code Crim. Proc., Art. 45.0491.)

Art. 45A.258.  RECONSIDERATION OF SATISFACTION OF FINES OR COSTS. (a) If the defendant notifies the justice or judge that the defendant has difficulty paying the fine and costs in compliance with the judgment, the justice or judge shall hold a hearing to determine whether the judgment imposes an undue hardship on the defendant.

(b)  For purposes of Subsection (a), a defendant may notify the justice or judge by:

(1)  voluntarily appearing and informing the justice or judge or the clerk of the court in the manner established by the justice or judge for that purpose;

(2)  filing a motion with the justice or judge;

(3)  mailing a letter to the justice or judge; or

(4)  any other method established by the justice or judge for that purpose.

(c)  If the justice or judge determines at a hearing under Subsection (a) that the judgment imposes an undue hardship on the defendant, the justice or judge shall consider whether to allow the defendant to satisfy the fine and costs through one or more methods listed under Article 45A.252.

(d)  The justice or judge may decline to hold a hearing under Subsection (a) if the justice or judge:

(1)  previously held a hearing under that subsection with respect to the case and is able to determine without holding a hearing that the judgment does not impose an undue hardship on the defendant; or

(2)  is able to determine without holding a hearing that:

(A)  the judgment imposes an undue hardship on the defendant; and

(B)  the fine and costs should be satisfied through one or more methods listed under Article 45A.252.

(e)  The justice or judge retains jurisdiction for the purpose of making a determination under this article. (Code Crim. Proc., Art. 45.0445.)

Art. 45A.259.  CAPIAS PRO FINE. (a) If the defendant is not in custody when the judgment is imposed or if the defendant fails to satisfy the judgment according to the terms of the judgment, the court may order a capias pro fine, as defined by Article 43.015, issued for the defendant's arrest.

(b)  The capias pro fine ordered under Subsection (a) must:

(1)  state the amount of the judgment and sentence; and

(2)  command the appropriate peace officer to:

(A)  bring the defendant before the court immediately; or

(B)  place the defendant in jail until the first business day following the date of the defendant's arrest if the defendant cannot be brought before the court immediately.

(c)  If the court that issued the capias pro fine is unavailable, the arresting officer may, in lieu of placing the defendant in jail, take the defendant to:

(1)  a justice court or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located in the same county, if the court that issued the capias pro fine was a justice court; or

(2)  a municipal court that is located in the same municipality, if the court that issued the capias pro fine was a municipal court.

(d)  The court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to the terms of the judgment unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant and the defendant fails to:

(1)  appear at the hearing; or

(2)  comply with an order issued under Subsection (f) as a result of the hearing.

(e)  If the justice or judge determines at the hearing under Subsection (d) that the judgment imposes an undue hardship on the defendant, the justice or judge shall determine whether the fine and costs should be satisfied through one or more methods listed under Article 45A.252. The justice or judge retains jurisdiction for the purpose of making a determination under this subsection.

(f)  If the justice or judge determines at the hearing under Subsection (d) that the judgment does not impose an undue hardship on the defendant, the justice or judge shall order the defendant to comply with the judgment not later than the 30th day after the date that determination is made.

(g)  The court shall recall a capias pro fine if, before the capias pro fine is executed, the defendant:

(1)  provides notice to the justice or judge under Article 45A.258 and a hearing is set under that article; or

(2)  voluntarily appears and makes a good faith effort to resolve the capias pro fine.

(h)  A capias pro fine may not be issued for a person convicted for an offense committed before the person's 17th birthday unless:

(1)  the person is 17 years of age or older;

(2)  the court finds that the issuance of the capias pro fine is justified after considering:

(A)  the sophistication and maturity of the person;

(B)  the criminal record and history of the person; and

(C)  the reasonable likelihood of bringing about the discharge of the judgment through the use of procedures and services currently available to the court; and

(3)  the court has proceeded under Article 45A.461 to compel the person to discharge the judgment.

(i)  This article does not limit the authority of a court to order a child taken into custody under Article 45A.453 or 45A.455. (Code Crim. Proc., Arts. 45.045(a), (a-1) as added Acts 84th Leg., R.S., Ch. 1171, (a-2), (a-3), (a-4), (a-5), (b), (c).)

Art. 45A.260.  APPEARANCE BY TELEPHONE OR VIDEOCONFERENCE. If the justice or judge determines that requiring a defendant to appear before the justice or judge in person for a hearing under Article 45A.258 or 45A.259 would impose an undue hardship on the defendant, the justice or judge may allow the defendant to appear by telephone or videoconference. (Code Crim. Proc., Art. 45.0201.)

Art. 45A.261.  COMMITMENT. (a) If a judgment and sentence have been entered against a defendant and the defendant defaults in the discharge of the judgment, the judge may order the defendant confined in jail until discharged by law if the judge at a hearing makes a written determination that:

(1)  the defendant is not indigent and has failed to make a good faith effort to discharge the fines or costs; or

(2)  the defendant is indigent and:

(A)  has failed to make a good faith effort to discharge the fines or costs under Article 45A.254; and

(B)  could have discharged the fines or costs under Article 45A.254 without experiencing any undue hardship.

(b)  A certified copy of the judgment, sentence, and order is sufficient to authorize confinement under Subsection (a).

(c)  For purposes of a hearing described by Subsection (a), a defendant may be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court. For purposes of this subsection, "electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

(d)  For purposes of a hearing described by Subsection (a), if the court that issued the capias pro fine is unavailable, the following may conduct the hearing:

(1)  a justice court or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located in the same county as the issuing court, if the issuing court was a justice court; or

(2)  a municipal court that is located in the same municipality as the issuing court, if the issuing court was a municipal court. (Code Crim. Proc., Arts. 45.046(a), (b), (c), (d) as added Acts 84th Leg., R.S., Ch. 1171.)

Art. 45A.262.  DISCHARGED FROM JAIL. (a) A defendant placed in jail due to failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:

(1)  is indigent and cannot pay the fine and costs; or

(2)  has remained in jail for a cumulative period that is sufficient to satisfy the fine and costs, at the rate of not less than $150 for each separate period served, as specified by the convicting court in the judgment in the case.

(b)  A convicting court may specify a period that is not less than eight hours or more than 24 hours as the period for which a defendant who fails to pay the fine and costs in the case must remain in jail to satisfy $150 of the fine and costs. (Code Crim. Proc., Art. 45.048.)

Art. 45A.263.  CIVIL COLLECTION OF FINES AND COSTS AFTER JUDGMENT. If, after a judgment and sentence is entered, the defendant defaults in payment of a fine, the justice or judge may order the fine and costs collected by execution against the defendant's property in the same manner as a judgment in a civil suit. (Code Crim. Proc., Art. 45.047.)

Art. 45A.264.  COLLECTION OF FINES AND COSTS BY MUNICIPALITY. (a) The governing body of each municipality shall by ordinance prescribe rules as proper to enforce the collection of fines imposed by a municipal court.

(b)  In addition to any other method of enforcement, the municipality may enforce the collection of fines by:

(1)  execution against the property of the defendant; or

(2)  confinement of the defendant.

(c)  The governing body of a municipality may adopt rules concerning the practice and procedure in the municipal court that the governing body considers proper.

(d)  After notice, the governing body of a municipality may by ordinance prescribe the collection of a fine not to exceed $25 for an offense under Section 38.10(e), Penal Code, or Section 543.009, Transportation Code. Money collected from the fine shall be paid into the municipal treasury for the use and benefit of the municipality.

(e)  Costs may not be imposed or collected in criminal cases in municipal court by municipal ordinance. (Code Crim. Proc., Art. 45.203.)

SUBCHAPTER G. DEFERRED DISPOSITION

Art. 45A.301.  APPLICABILITY. This subchapter does not apply to:

(1)  an offense to which Section 542.404, Transportation Code, applies; or

(2)  a violation of a state law or local ordinance relating to motor vehicle control, other than a parking violation, committed by a person who:

(A)  holds a commercial driver's license; or

(B)  held a commercial driver's license when the offense was committed. (Code Crim. Proc., Art. 45.051(f).)

Art. 45A.302.  DEFERRED DISPOSITION. (a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, a judge may defer further proceedings for a period not to exceed 180 days without entering an adjudication of guilt.

(b)  In issuing the order of deferral, the judge may impose a fine on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense.

(c)  The fine described by Subsection (b) may be collected at any time before the date on which the period of deferral ends. A judge who orders the collection of the fine must require that the amount of the fine be credited toward the payment of the amount of any fine imposed by the judge as punishment for the offense.

(d)  The judge may elect not to impose the fine for good cause shown by the defendant.

(e)  An order of deferral under this article terminates any liability under a bond given for the charge. (Code Crim. Proc., Art. 45.051(a).)

Art. 45A.303.  DEFERRED DISPOSITION REQUIREMENTS. (a) Notwithstanding any other law, as an alternative to requiring a defendant charged with one or more offenses to pay all fines and court costs as required by Article 45A.302, the judge may:

(1)  allow the defendant to enter into an agreement to pay those fines and costs in installments during the defendant's period of deferral;

(2)  require an eligible defendant to discharge all or part of those fines and costs by performing community service or attending a tutoring program under Article 45A.254 or 45A.460;

(3)  waive all or part of those fines and costs under Article 45A.257; or

(4)  take any combination of actions authorized by Subdivision (1), (2), or (3).

(b)  During the deferral period, the judge may require the defendant to:

(1)   secure payment of the fine by posting a bond in the amount of the fine assessed as punishment for the offense;

(2)  pay restitution to the victim of the offense in an amount not to exceed the amount of the fine assessed as punishment for the offense;

(3)  submit to professional counseling;

(4)  submit to diagnostic testing for alcohol or a controlled substance or drug;

(5)  submit to a psychosocial assessment;

(6)  successfully complete an alcohol or drug abuse treatment or education program, such as:

(A)  a drug education program that is designed to educate persons on the dangers of drug abuse in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code; or

(B)  an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code;

(7)  pay the costs of any diagnostic testing, psychosocial assessment, or treatment or education program participation as reimbursement fees:

(A)  directly; or

(B)  through the court as court costs;

(8)  complete a driving safety course approved under Chapter 1001, Education Code, or another course as directed by the judge;

(9)  present to the court satisfactory evidence that the defendant has complied with each requirement imposed by the judge under this subchapter; and

(10)  comply with any other reasonable condition.

(c)  A judge who requires a defendant to successfully complete an alcohol awareness program or drug education program as described by Subsection (b)(6) shall require the defendant to pay a reimbursement fee for the cost of the program, unless the judge determines that the defendant is indigent and unable to pay the cost.

(d)  The judge may allow the defendant to pay the fee described by Subsection (c) in installments during the deferral period. (Code Crim. Proc., Arts. 45.051(a-1), (b), (g).)

Art. 45A.304.  DEFERRED DISPOSITION REQUIREMENTS: MOVING VIOLATION COMMITTED BY YOUNG DEFENDANT. (a) This article applies to a defendant who:

(1)  is younger than 25 years of age; and

(2)  committed a traffic offense classified as a moving violation.

(b)  Notwithstanding Article 45A.303(b)(8), during a deferral period ordered under this subchapter, the judge shall require that a defendant described by Subsection (a):

(1)  complete a driving safety course approved under Chapter 1001, Education Code; and

(2)  if the defendant holds a provisional license, be examined by the Department of Public Safety as required by Section 521.161(b)(2), Transportation Code.

(c)  A defendant remains subject to the examination required by Subsection (b)(2) regardless of whether the defendant was examined previously.

(d)  A defendant examined as required by Subsection (b)(2) must pay a $10 reimbursement fee for the examination.

(e)  The reimbursement fee collected under Subsection (d) must be deposited to the credit of a special account in the general revenue fund and may be used only by the Department of Public Safety for the administration of Chapter 521, Transportation Code. (Code Crim. Proc., Arts. 45.051(b-1), (b-2), (b-3).)

Art. 45A.305.  DISMISSAL OF COMPLAINT ON COMPLIANCE WITH JUDICIAL REQUIREMENTS. (a) On determining that the defendant has complied with the requirements imposed by the judge under this subchapter, the judge shall dismiss the complaint.

(b)  If a complaint is dismissed under Subsection (a), there is not a final conviction and the complaint may not be used against the person for any purpose.

(c)  The docket must clearly note that the judge dismissed the complaint and that there is not a final conviction.

(d)  Records relating to a complaint dismissed as provided by Subsection (a) may be expunged under Subchapter A, B, or C, Chapter 55A. (Code Crim. Proc., Arts. 45.051(c), (e).)

Art. 45A.306.  SHOW CAUSE HEARING ON FAILURE TO COMPLY WITH JUDICIAL REQUIREMENTS. If the defendant fails to present within the deferral period satisfactory evidence of compliance with the requirements imposed by the judge under this subchapter, the court shall:

(1)  notify the defendant in writing, mailed to the address on file with the court or appearing on the notice to appear, of that failure; and

(2)  require the defendant to appear at the time and place stated in the notice to show cause why the order of deferral should not be revoked. (Code Crim. Proc., Art. 45.051(c-1).)

Art. 45A.307.  JUDICIAL ACTIONS ON SHOW CAUSE HEARING. (a) On the defendant's showing of good cause for failure to present satisfactory evidence of compliance with the requirements imposed by the judge under this subchapter, the court may allow an additional period during which the defendant may present evidence of the defendant's compliance with the requirements.

(b)  Except as provided by Subsection (c), if on the date of a show cause hearing under Article 45A.306 or, if applicable, by the conclusion of an additional period provided under Subsection (a), the defendant does not present satisfactory evidence that the defendant complied with the requirements imposed by the judge under this subchapter, the judge may impose the fine assessed or a lesser fine. The imposition of the fine or lesser fine constitutes a final conviction of the defendant.

(c)  If the defendant was required to complete a driving safety course or an examination under Article 45A.304(b) and on the date of a show cause hearing under Article 45A.306 or, if applicable, by the conclusion of an additional period provided under Subsection (a), the defendant does not present satisfactory evidence that the defendant completed that course or examination, the judge shall impose the fine assessed. The imposition of the fine constitutes a final conviction of the defendant. (Code Crim. Proc., Arts. 45.051(c-2), (d) (part), (d-1).)

SUBCHAPTER H. DRIVING SAFETY OR MOTORCYCLE OPERATOR COURSE DISMISSAL

Art. 45A.351.  APPLICABILITY. (a) Except as provided by Subsections (b) and (c), this subchapter applies only to an alleged offense that:

(1)  is within the jurisdiction of a justice or municipal court;

(2)  involves the operation of a motor vehicle; and

(3)  is defined by:

(A)  Section 472.022, Transportation Code;

(B)  Subtitle C, Title 7, Transportation Code; or

(C)  Section 729.001(a)(3), Transportation Code.

(b)  If the defendant is younger than 25 years of age, this subchapter applies to any alleged offense that:

(1)  is within the jurisdiction of a justice or municipal court;

(2)  involves the operation of a motor vehicle; and

(3)  is classified as a moving violation.

(c)  This subchapter does not apply to an offense committed by a person who:

(1)  holds a commercial driver's license; or

(2)  held a commercial driver's license when the offense was committed. (Code Crim. Proc., Arts. 45.0511(a), (a-1), (s); New.)

Art. 45A.352.  DRIVING SAFETY OR MOTORCYCLE OPERATOR TRAINING COURSE COMPLETION. (a) The judge shall require a defendant to successfully complete a driving safety course approved by the Texas Department of Licensing and Regulation or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

(1)  the defendant elects driving safety course or motorcycle operator training course dismissal under this subchapter;

(2)  the defendant:

(A)  has a Texas driver's license or permit; or

(B)  is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty;

(3)  either:

(A)  the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12-month period preceding the date of the offense; or

(B)  the defendant:

(i)  does not have a Texas driver's license or permit;

(ii)  is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty; and

(iii)  has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12-month period preceding the date of the offense;

(4)  on or before the answer date on the notice to appear, the defendant enters, under Article 45A.151(a), a plea of nolo contendere or guilty in person or in writing and:

(A)  presents in person or by counsel to the court a request to take a course; or

(B)  sends to the court by certified mail, return receipt requested, postmarked on or before the answer date on the notice to appear, a written request to take a course;

(5)  the defendant is charged with an offense to which this subchapter applies, other than speeding at a speed of:

(A)  95 miles per hour or more; or

(B)  25 miles per hour or more over the posted speed limit; and

(6)  the defendant provides evidence of financial responsibility as required by Chapter 601, Transportation Code.

(b)  The court may dismiss only one charge for each completion of a course described by Subsection (a).

(c)  Notwithstanding Subsections (a)(3) and (4), before the final disposition of the case, the court may grant a request to take a driving safety course or a motorcycle operator training course under this subchapter.

(d)  A request to take a driving safety course or motorcycle operator training course made at or before the time and at the place at which a defendant is required to appear in court is an appearance in compliance with the defendant's promise to appear. (Code Crim. Proc., Arts. 45.0511(b), (d), (e), (m).)

Art. 45A.353.  CERTAIN DEFENDANTS ENTITLED TO COMPLETE DRIVING SAFETY OR MOTORCYCLE OPERATOR TRAINING COURSE. The court shall advise a defendant charged with a misdemeanor under Section 472.022, Transportation Code, Subtitle C, Title 7, Transportation Code, or Section 729.001(a)(3), Transportation Code, committed while operating a motor vehicle of the defendant's right under this subchapter to successfully complete a driving safety course or, if the offense was committed while operating a motorcycle, a motorcycle operator training course. The right to complete a course does not apply to a defendant charged with:

(1)  a violation of Section 545.066, 550.022, or 550.023, Transportation Code;

(2)  a serious traffic violation; or

(3)  an offense to which Section 542.404, Transportation Code, applies. (Code Crim. Proc., Art. 45.0511(p).)

Art. 45A.354.  CONTENT OF NOTICE TO APPEAR. (a) A notice to appear issued for an offense to which this subchapter applies must inform a defendant charged with an offense under Section 472.022, Transportation Code, an offense under Subtitle C, Title 7, Transportation Code, or an offense under Section 729.001(a)(3), Transportation Code, committed while operating a motor vehicle of the defendant's right to complete a driving safety course or, if the offense was committed while operating a motorcycle, of the defendant's right to complete a motorcycle operator training course. The notice required by this subsection must read substantially as follows:

"You may be able to require that this charge be dismissed by successfully completing a driving safety course or a motorcycle operator training course. You will lose that right if, on or before your appearance date, you do not provide the court with notice of your request to take the course."

(b)  If the notice required by Subsection (a) is not provided to the defendant charged with the offense, the defendant may continue to exercise the defendant's right to take a driving safety course or a motorcycle operator training course until the notice required by Subsection (a) is provided to the defendant or there is a final disposition of the case. (Code Crim. Proc., Arts. 45.0511(q), (r).)

Art. 45A.355.  EXTENSION FOR GOOD CAUSE. On a defendant's showing of good cause for failure to provide evidence to the court, the court may allow an additional period during which the defendant may present:

(1)  a uniform certificate of course completion as evidence that the defendant successfully completed the driving safety course; or

(2)  a verification of course completion as evidence that the defendant successfully completed the motorcycle operator training course. (Code Crim. Proc., Art. 45.0511(k).)

Art. 45A.356.  JUDICIAL ACTIONS FOLLOWING PLEA; SHOW CAUSE HEARING. (a) The court shall enter judgment on a defendant's plea of nolo contendere or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant a 90-day period to successfully complete the approved driving safety course or motorcycle operator training course and present to the court:

(1)  a uniform certificate of completion of the driving safety course or a verification of completion of the motorcycle operator training course;

(2)  unless the judge proceeds under Article 45A.359, the defendant's driving record as maintained by the Department of Public Safety, if any, showing that the defendant has not completed an approved driving safety course or motorcycle operator training course, as applicable, within the 12-month period preceding the date of the offense;

(3)  an affidavit stating that the defendant:

(A)  was not taking a driving safety course or motorcycle operator training course, as applicable, under this subchapter on the date the request to take the course was made; and

(B)  has not completed, within the 12-month period preceding the date of the offense, a course described by Paragraph (A) that is not shown on the defendant's driving record; and

(4)  if the defendant does not have a Texas driver's license or permit and is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty, an affidavit stating that the defendant:

(A)  was not taking a driving safety course or motorcycle operator training course, as applicable, in another state on the date the request to take the course was made; and

(B)  has not completed a course described by Paragraph (A) within the 12-month period preceding the date of the offense.

(b)  If the judge proceeds under Article 45A.359 and the copy of the defendant's driving record provided to the judge under Subsection (c) of that article shows that the defendant has not completed an approved driving safety course or motorcycle operator training course, as applicable, within the 12-month period preceding the date of the offense, the judge shall allow the defendant to complete the appropriate course as provided by this article.

(c)  If a defendant satisfies the requirements of Subsection (a), the court shall:

(1)  remove the judgment and dismiss the charge;

(2)  report the fact that the defendant successfully completed a driving safety course or a motorcycle operator training course and the date of completion to the Department of Public Safety for inclusion in the defendant's driving record; and

(3)  state in the report under Subdivision (2) whether the course was taken under this subchapter to provide information necessary to determine eligibility to take a subsequent course under Article 45A.352(a).

(d)  An order of deferral under Subsection (a) terminates any liability under a bond given for the charge.

(e)  If a defendant requesting a course under this subchapter fails to satisfy the requirements of Subsection (a), the court shall:

(1)  notify the defendant in writing, mailed to the address on file with the court or appearing on the notice to appear, of that failure; and

(2)  require the defendant to appear at the time and place stated in the notice to show cause why the evidence was not timely submitted to the court.

(f)  If the defendant fails to appear at the time and place stated in the notice under Subsection (e), or appears at the time and place stated in the notice but does not show good cause for the defendant's failure to satisfy the requirements of Subsection (a), the court shall enter an adjudication of guilt and impose sentence. (Code Crim. Proc., Arts. 45.0511(c), (c-1) (part), (i), (j), (l), (t).)

Art. 45A.357.  EFFECT OF DISMISSAL OR COURSE COMPLETION. (a) A charge that is dismissed under this subchapter may not be part of a person's driving record or used for any purpose.

(b)  An insurer delivering or issuing for delivery a motor vehicle insurance policy in this state may not cancel or increase the premium charged an insured under the policy because the insured:

(1)  completed a driving safety course or a motorcycle operator training course; or

(2)  had a charge dismissed under this subchapter. (Code Crim. Proc., Arts. 45.0511(n), (o).)

Art. 45A.358.  ADDITIONAL FINES AND FEES RELATING TO COURSE REQUEST. (a) In addition to court costs and fees authorized or imposed by a law of this state and applicable to the offense, the court may:

(1)  require a defendant requesting a driving safety course or motorcycle operator training course under Article 45A.352(a) to pay a reimbursement fee in an amount of not more than $10 to cover the cost of administering this subchapter; or

(2)  require a defendant requesting a driving safety course or motorcycle operator training course under Article 45A.352(c) to pay a fine set by the court in an amount not to exceed the maximum amount of the fine for the offense committed by the defendant.

(b)  A defendant who requests but does not take a driving safety course or motorcycle operator training course is not entitled to a refund of the reimbursement fee or fine assessed under Subsection (a).

(c)  Money collected by a municipal court shall be deposited in the municipal treasury. Money collected by another court shall be deposited in the county treasury of the county in which the court is located. (Code Crim. Proc., Arts. 45.0511(f), (g), (h).)

Art. 45A.359.  DRIVING RECORD RETRIEVAL AND RELATED FEE. (a) In this article, "state electronic Internet portal" has the meaning assigned by Section 2054.003, Government Code.

(b)  As an alternative to receiving the defendant's driving record under Article 45A.356(a)(2), the judge, at the time the defendant requests a driving safety course or motorcycle operator training course dismissal under this subchapter, may:

(1)  require the defendant to pay a reimbursement fee in an amount equal to the sum of the amount of:

(A)  the fee established by Section 521.048, Transportation Code; and

(B)  the state electronic Internet portal fee; and

(2)  use the state electronic Internet portal to request that the Department of Public Safety provide the judge with a copy of the defendant's driving record showing the information described by Section 521.047(b), Transportation Code.

(c)  As soon as practicable, the Department of Public Safety shall use the state electronic Internet portal to provide the judge with the requested copy of the defendant's driving record.

(d)  The reimbursement fee authorized by Subsection (b) is in addition to any other fee required under this subchapter.

(e)  The custodian of a municipal or county treasury who receives reimbursement fees collected under this article shall keep a record of the fees and, without deduction or proration, forward the fees to the comptroller with and in the manner required for other fees and costs received in connection with criminal cases.

(f)  The comptroller shall credit fees collected under Subsection (e) to the Department of Public Safety. (Code Crim. Proc., Art. 45.0511(c-1) (part).)

SUBCHAPTER I. OTHER DISMISSALS

Art. 45A.401.  DISMISSAL OF MISDEMEANOR CHARGE ON COMPLETION OF TEEN COURT PROGRAM. (a) This article applies only to a defendant who is:

(1)  younger than 18 years of age; or

(2)  enrolled full time in an accredited secondary school in a program leading toward a high school diploma.

(b)  A justice or municipal court may defer proceedings against a defendant described by Subsection (a) for a period not to exceed 180 days if the defendant:

(1)  is charged with an offense that the court has jurisdiction of under Article 4.11 or 4.14;

(2)  with the defendant's parent, guardian, or managing conservator present, pleads nolo contendere or guilty to the offense in open court;

(3)  presents to the court an oral or written request to attend a teen court program or is recommended to attend the program by a school employee under Section 37.146, Education Code; and

(4)  has not successfully completed a teen court program in the year preceding the date that the alleged offense occurred.

(c)  The court must approve the teen court program.

(d)  A defendant for whom proceedings are deferred under Subsection (b) must complete the teen court program not later than the earlier of:

(1)  the 90th day after the date the teen court hearing to determine punishment is held; or

(2)  the last day of the deferral period.

(e)  The justice or municipal court shall dismiss the charge at the time the defendant presents satisfactory evidence that the defendant has successfully completed the teen court program.

(f)  A charge dismissed under this article may not be part of the defendant's criminal record or driving record or used for any purpose, except that if the charge was for a traffic offense, the court shall report to the Department of Public Safety the fact that the defendant successfully completed the teen court program and the date of completion for inclusion in the defendant's driving record.

(g)  The justice or municipal court may require a defendant who requests a teen court program to pay a reimbursement fee in an amount not to exceed $10 that is set by the court to cover the costs of administering this article. Reimbursement fees collected by a municipal court shall be deposited in the municipal treasury, and reimbursement fees collected by a justice court shall be deposited in the county treasury of the county in which the court is located.

(h)  A defendant who requests a teen court program and fails to complete the program is not entitled to a refund of the reimbursement fee under Subsection (g).

(i)  A court may transfer a case in which proceedings have been deferred under this article to a court in another county if that court consents to the transfer and has jurisdiction over the case.

(j)  In addition to the reimbursement fee authorized by Subsection (g), the court may require a defendant who requests a teen court program to pay a $10 reimbursement fee to cover the program's cost for performing duties under this article. The court shall pay the fee to the teen court program, and the teen court program must account to the court for the receipt and disbursal of the fee.

(k)  A defendant who pays a fee under Subsection (j) is not entitled to a refund of the fee, regardless of whether the defendant successfully completes the teen court program.

(l)  A justice or municipal court may exempt a defendant for whom proceedings are deferred under this article from the requirement to pay a court cost or fee imposed by another statute.

(m)  Notwithstanding Subsection (g) or (j), a justice or municipal court that is located in the Texas-Louisiana border region, as defined by Section 2056.002, Government Code, may charge a reimbursement fee of $20 under those subsections. (Code Crim. Proc., Art. 45.052.)

Art. 45A.402.  DISMISSAL OF COMPLAINT ON COMMITMENT OF PERSON WITH CHEMICAL DEPENDENCY. (a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only, a justice or municipal court may defer further proceedings for a 90-day period without entering an adjudication of guilt if:

(1)  the court finds that the offense resulted from or was related to the defendant's chemical dependency; and

(2)  an application for court-ordered treatment of the defendant is filed in accordance with Chapter 462, Health and Safety Code.

(b)  At the end of the deferral period, the justice or municipal court shall dismiss the complaint if satisfactory evidence is presented that the defendant was committed for and completed court-ordered treatment in accordance with Chapter 462, Health and Safety Code. If a complaint is dismissed under this subsection, there is not a final conviction and the complaint may not be used against the person for any purpose. The docket must clearly note that the court dismissed the complaint and that there is not a final conviction. Records relating to a complaint dismissed under this subsection may be expunged under Subchapter A, B, or C, Chapter 55A.

(c)  If at the conclusion of the deferral period satisfactory evidence described by Subsection (b) is not presented, the justice or municipal court may impose the fine assessed or a lesser fine. The imposition of the fine constitutes a final conviction of the defendant. (Code Crim. Proc., Art. 45.053.)

Art. 45A.403.  DISMISSAL OF PARENT CONTRIBUTING TO NONATTENDANCE CHARGE. Notwithstanding any other law, a county, justice, or municipal court may dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093, Education Code, if the court finds that a dismissal would be in the interest of justice because:

(1)  there is a low likelihood of recidivism by the defendant; or

(2)  sufficient justification exists for the failure of the defendant's child to attend school. (Code Crim. Proc., Art. 45.0531.)

SUBCHAPTER J. CASES INVOLVING JUVENILES

Art. 45A.451.  JUVENILE CASE MANAGERS. (a) On approval of the commissioners court, governing body of a municipality, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity may:

(1)  employ a case manager to provide services:

(A)  in cases involving juvenile offenders who are before a court consistent with the court's statutory powers; or

(B)  to a juvenile who is referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers before a case is filed, with the consent of the juvenile and the juvenile's parents or guardians;

(2)  employ one or more juvenile case managers who:

(A)  shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B)  may provide:

(i)  prevention services to a child considered at risk of entering the juvenile justice system; and

(ii)  intervention services to a juvenile engaged in misconduct, excluding traffic offenses, if a case has not yet been filed with respect to the misconduct; or

(3)  agree in accordance with Chapter 791, Government Code, with any appropriate governmental entity to jointly employ a case manager or to jointly contribute to the costs of a case manager employed by one governmental entity to provide services described by Subdivisions (1) and (2).

(a-1)  A county or justice court on approval of the commissioners court or a municipality or municipal court on approval of the governing body of the municipality may employ one or more juvenile case managers who:

(1)  shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(2)  may provide:

(A)  prevention services to a child considered at risk of entering the juvenile justice system; and

(B)  intervention services to a juvenile engaged in misconduct, excluding traffic offenses, if a case has not yet been filed with respect to the misconduct.

(b)  A local entity may apply or more than one local entity may jointly apply to the criminal justice division of the governor's office for reimbursement of all or part of the costs of employing one or more juvenile case managers from funds appropriated to the governor's office or otherwise available for that purpose.

(c)  To be eligible for reimbursement under Subsection (b), the entity applying must present to the governor's office a comprehensive plan to reduce juvenile offenses in the entity's jurisdiction. The plan must address the role of the case manager in that effort.

(d)  An entity that jointly employs a case manager under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102.

(e)  The court or governing body may pay, from the local truancy prevention and diversion fund established under Section 134.156, Local Government Code:

(1)  the salary and benefits of a juvenile case manager; and

(2)  the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager.

(f)  A juvenile case manager employed under Subsection (a-1) shall give priority to cases brought under Section 25.093, Education Code.

(g)  The governing body of the employing governmental entity under Subsection (a) shall adopt reasonable rules for juvenile case managers that provide for:

(1)  a code of ethics and the enforcement of the code of ethics;

(2)  appropriate educational preservice and in-service training standards for juvenile case managers; and

(3)  training in:

(A)  the role of the juvenile case manager;

(B)  case planning and management;

(C)  applicable procedural and substantive law;

(D)  courtroom proceedings and presentation;

(E)  services to at-risk youth under Subchapter D, Chapter 264, Family Code;

(F)  local programs and services for juveniles and methods by which juveniles may access those programs and services; and

(G)  detecting and preventing abuse, exploitation, and neglect of juveniles.

(h)  The employing court or governmental entity under this article shall implement the rules adopted under Subsection (g).

(i)  The commissioners court or governing body of the municipality that administers a local truancy prevention and diversion fund under Section 134.156, Local Government Code, shall require periodic review of juvenile case managers to ensure the implementation of the rules adopted under Subsection (g).

(j)  The juvenile case manager shall timely report to the judge who signed the applicable order or judgment and, on request, to the judge assigned to the case or the presiding judge any information or recommendations relevant to assisting the judge in making decisions that are in the best interest of the child.

(k)  The judge who is assigned to the case shall consult with the juvenile case manager who is supervising the case regarding:

(1)  the child's home environment;

(2)  the child's developmental, psychological, and educational status;

(3)  the child's previous interaction with the justice system; and

(4)  any sanctions available to the court that would be in the best interest of the child.

(l)  Subsections (j) and (k) do not apply to:

(1)  a part-time judge; or

(2)  a county judge of a county court that has one or more appointed full-time magistrates under Section 54.1172, Government Code. (Code Crim. Proc., Art. 45.056.)

Art. 45A.452.  PLEA; APPEARANCE BY DEFENDANT AND PARENT. (a) This article applies to a defendant who has not had the disabilities of minority removed and has been:

(1)  charged with an offense other than an offense under Section 43.261, Penal Code, if the defendant is younger than 17 years of age; or

(2)  charged with an offense under Section 43.261, Penal Code, if the defendant is younger than 18 years of age.

(b)  The judge or justice shall:

(1)  take the defendant's plea in open court; and

(2)  issue a summons to compel the defendant's parent, guardian, or managing conservator to be present during:

(A)  the taking of the defendant's plea; and

(B)  all other proceedings relating to the case.

(c)  If the court is unable to secure the appearance of the defendant's parent, guardian, or managing conservator by issuing a summons, the court may, without the defendant's parent, guardian, or managing conservator present, take the defendant's plea and proceed against the defendant.

(d)  If the defendant resides in a county other than the county in which the alleged offense occurred, the defendant may, with approval of the judge of the court of original jurisdiction, enter a plea, including a plea under Article 45A.401, before a judge in the county in which the defendant resides.

(e)  A justice or municipal court shall endorse on the summons issued to a parent an order to appear personally at a hearing with the defendant. The summons must include a warning that the failure of the parent to appear is a Class C misdemeanor and may result in arrest. (Code Crim. Proc., Art. 45.0215.)

Art. 45A.453.  CHILD TAKEN INTO CUSTODY. (a) In this article, "child" means a person who is:

(1)  at least 10 years of age and younger than 17 years of age; and

(2)  charged with or convicted of an offense that a justice or municipal court has jurisdiction of under Article 4.11 or 4.14.

(b)  A child may be released to the child's parent, guardian, custodian, or other responsible adult as provided by Section 52.02(a)(1), Family Code, if the child is taken into custody for an offense that a justice or municipal court has jurisdiction of under Article 4.11 or 4.14.

(c)  A child described by Subsection (b) must be taken only to a place previously designated by the head of the law enforcement agency with custody of the child as an appropriate place of nonsecure custody for children unless the child:

(1)  is released under Section 52.02(a)(1), Family Code; or

(2)  is taken before a justice or municipal court.

(d)  A place of nonsecure custody for children must be an unlocked, multipurpose area, such as:

(1)  a lobby, office, or interrogation room, if the area is not designated, set aside, or used as a secure detention area and is not part of a secure detention area; or

(2)  a juvenile processing office designated under Section 52.025, Family Code, if the area is not locked when the area is used as a place of nonsecure custody.

(e)  The following procedures shall be followed in a place of nonsecure custody for children:

(1)  a child may not be secured physically to a cuffing rail, chair, desk, or other stationary object;

(2)  a child may be held in the nonsecure facility only for the period necessary to complete:

(A)  identification;

(B)  investigation;

(C)  processing;

(D)  release to a parent, guardian, custodian, or other responsible adult; or

(E)  the arranging of transportation to the appropriate juvenile court, juvenile detention facility, secure detention facility, justice court, or municipal court;

(3)  residential use of the area is prohibited; and

(4)  a law enforcement officer or facility staff person shall provide continuous visual supervision of a child while the child is in nonsecure custody.

(f)  Notwithstanding any other provision of this article, a child may not be detained in a place of nonsecure custody for a period of more than six hours.

(g)  A child taken into custody for an offense that a justice or municipal court has jurisdiction of under Article 4.11 or 4.14 may be presented or detained in a detention facility designated by the juvenile board under Section 52.02(a)(3), Family Code, only if:

(1)  the child's case is transferred to the juvenile court by a justice or municipal court under Section 51.08(b), Family Code; or

(2)  the child is referred to the juvenile court by a justice or municipal court for contempt of court under Article 45A.461.

(h)  Except as provided by Subsection (i) and Section 37.143(a), Education Code, for a traffic offense or an offense punishable by fine only, a law enforcement officer may issue a citation as provided by Article 14.06 instead of taking a child into custody.

(i)  A law enforcement officer may issue a citation as provided by Article 14.06 instead of taking a child into custody for conduct constituting a violation of Section 49.02, Penal Code, only if the officer releases the child to the child's parent, guardian, custodian, or other responsible adult. (Code Crim. Proc., Arts. 45.058(a), (b), (c), (d), (e), (f), (g), (g-1), (h).)

Art. 45A.454.  CONDUCT ALLEGED ON SCHOOL PROPERTY. (a) In this article, "child" has the meaning assigned by Article 45A.453(a).

(b)  If a law enforcement officer issues a citation or files a complaint in the manner provided by Article 45A.101(g) for conduct by a child 12 years of age or older that is alleged to have occurred on school property of or on a vehicle owned or operated by a county or independent school district, the officer shall submit to the court:

(1)  the offense report;

(2)  a statement by a witness to the alleged conduct; and

(3)  a statement by a victim of the alleged conduct, if any.

(c)  An attorney representing the state may not proceed in a trial of an offense unless the law enforcement officer has complied with the requirements of Subsection (b).

(d)  Notwithstanding Article 45A.453(h) or (i), a law enforcement officer may not issue a citation or file a complaint in the manner provided by Article 45A.101(g) for conduct by a child younger than 12 years of age that is alleged to have occurred on school property of or on a vehicle owned or operated by a county or independent school district. (Code Crim. Proc., Arts. 45.058(h), (i), (j).)

Art. 45A.455.  CHILD TAKEN INTO CUSTODY FOR VIOLATION OF JUVENILE CURFEW OR ORDER. (a) In this article, "child" means a person who is younger than 17 years of age.

(b)  A peace officer taking a child into custody for a violation of a juvenile curfew ordinance of a municipality or order of the commissioners court of a county shall, without unnecessary delay:

(1)  release the child to the child's parent, guardian, or custodian;

(2)  take the child before a justice or municipal court to answer the charge; or

(3)  take the child to a place designated as a juvenile curfew processing office by the head of the law enforcement agency having custody of the child.

(c)  A juvenile curfew processing office must observe the following procedures:

(1)  the office must be an unlocked, multipurpose area that is not designated, set aside, or used as a secure detention area or part of a secure detention area;

(2)  the child may not be secured physically to a cuffing rail, chair, desk, or stationary object;

(3)  the child may not be held for a period longer than is necessary to complete:

(A)  identification;

(B)  investigation;

(C)  processing;

(D)  release to a parent, guardian, or custodian; or

(E)  arrangement of transportation to school or court;

(4)  the office may not be designated or intended for residential purposes;

(5)  a peace officer or other individual shall provide continuous visual supervision of a child while the child is in the office; and

(6)  a child may not be held in the office for a period of more than six hours.

(d)  A place designated under this article as a juvenile curfew processing office is not subject to the approval of the juvenile board having jurisdiction where the governmental entity is located. (Code Crim. Proc., Art. 45.059; New.)

Art. 45A.456.  CONTINUING OBLIGATION TO APPEAR FOR UNADJUDICATED CHILD, NOW ADULT; OFFENSE. (a) Except as provided by Articles 45A.453, 45A.454, and 45A.455, an individual may not be taken into secured custody for offenses alleged to have occurred before the individual's 17th birthday.

(b)  On or after an individual's 17th birthday, if the court has used all available procedures under this chapter to secure the individual's appearance to answer allegations made before the individual's 17th birthday, the court may issue a notice of continuing obligation to appear, by personal service or by mail, to the last known address and residence of the individual. The notice must order the individual to appear at a designated time, place, and date to answer the allegations detailed in the notice.

(c)  Failure to appear as ordered by the notice under Subsection (b) is a Class C misdemeanor independent of Section 38.10, Penal Code, and Section 543.009, Transportation Code.

(d)  It is an affirmative defense to prosecution under Subsection (c) that the individual was not informed of the individual's obligation under Articles 45A.457(h) and (i) or did not receive notice as required by Subsection (b) of this article.

(e)  A notice of continuing obligation to appear issued under this article must contain the following statement provided in boldfaced type or capital letters:

"WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 17TH BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST." (Code Crim. Proc., Art. 45.060.)

Art. 45A.457.  FINDING THAT OFFENSE COMMITTED. (a) In this article:

(1)  "Child" has the meaning assigned by Article 45A.453(a).

(2)  "Parent" includes a person standing in parental relation, a managing conservator, or a custodian.

(3)  "Residence" means any place where the child lives or resides for a period of not less than 30 days.

(b)  On a finding by a justice or municipal court that a child committed an offense that the court has jurisdiction of under Article 4.11 or 4.14, the court has jurisdiction to enter an order:

(1)  referring the child or the child's parent for services under Section 264.302, Family Code;

(2)  requiring that the child attend a special program that the court determines to be in the best interest of the child and, if the program involves the expenditure of municipal or county funds, that is approved by the governing body of the municipality or county commissioners court, as applicable, including a program for:

(A)  rehabilitation;

(B)  counseling;

(C)  self-esteem and leadership;

(D)  work and job skills training;

(E)  job interviewing and work preparation;

(F)  self-improvement;

(G)  parenting;

(H)  manners;

(I)  violence avoidance;

(J)  tutoring;

(K)  sensitivity training;

(L)  parental responsibility;

(M)  community service;

(N)  restitution;

(O)  advocacy; or

(P)  mentoring; or

(3)  requiring that the child's parent perform any act or refrain from performing any act as the court determines will increase the likelihood that the child will comply with the orders of the court and that is reasonable and necessary for the welfare of the child, including:

(A)  attend a parenting class or parental responsibility program; and

(B)  attend the child's school classes or functions.

(c)  The justice or municipal court may order the parent of a child required to attend a program under Subsection (b) to pay an amount not to exceed $100 for the costs of the program.

(d)  A justice or municipal court may require a child or parent required to attend a program, class, or function under this article to submit proof of attendance to the court.

(e)  A justice or municipal court shall endorse on the summons issued to a parent an order to appear personally at the hearing with the child. The summons must include a warning that the failure of the parent to appear is a Class C misdemeanor and may result in arrest.

(f)  An order under this article involving a child is enforceable under Article 45A.461.

(g)  A person commits an offense if the person is a parent who fails to attend a hearing under this article after receiving an order under Subsection (e). An offense under this subsection is a Class C misdemeanor.

(h)  A child and parent required to appear before the court have an obligation to provide the child's current address and residence to the court in writing. The obligation does not end when the child reaches age 17. On or before the seventh day after the date the child or parent changes residence, the child or parent shall notify the court of the current address in the manner directed by the court. A violation of this subsection is a Class C misdemeanor and may result in arrest. The obligation to provide notice terminates on discharge and satisfaction of the judgment or a final disposition not requiring a finding of guilt.

(i)  If an appellate court accepts an appeal for a trial de novo, the child and parent shall provide the notice under Subsection (h) to the appellate court.

(j)  The child and parent are entitled to written notice of their obligation under Subsections (h) and (i), which may be satisfied if a copy of those subsections is delivered to the child and parent by:

(1)  the court during their initial appearance before the court;

(2)  a peace officer arresting and releasing a child under Article 45A.453(b) at the time of release; or

(3)  a peace officer who issues a notice to appear under Section 543.003, Transportation Code, or a citation under Article 14.06(b).

(k)  It is an affirmative defense to prosecution under Subsection (h) that the child and parent were not informed of their obligation under this article.

(l)  Any order under this article is enforceable by the justice or municipal court by contempt. (Code Crim. Proc., Art. 45.057.)

Art. 45A.458.  FINDING OF ELECTRONIC TRANSMISSION OF CERTAIN VISUAL MATERIAL DEPICTING MINOR. (a) In this article, "parent" means a natural or adoptive parent, managing or possessory conservator, or legal guardian. The term does not include a parent whose parental rights have been terminated.

(b)  If a justice or municipal court finds that a defendant has committed an offense under Section 43.261, Penal Code, the court may enter an order requiring the defendant to attend and successfully complete an educational program described by Section 37.218, Education Code, or another equivalent educational program.

(c)  A court that enters an order under Subsection (b) shall require the defendant or the defendant's parent to pay the cost of attending an educational program under Subsection (b) if the court determines that the defendant or the defendant's parent is financially able to pay. (Code Crim. Proc., Art. 45.061.)

Art. 45A.459.  COMMUNITY SERVICE TO SATISFY FINES OR COSTS FOR CERTAIN JUVENILE DEFENDANTS. (a) This article applies only to a defendant younger than 17 years of age who is assessed a fine or cost for a Class C misdemeanor.

(b)  A justice or judge may require a defendant described by Subsection (a) to discharge all or part of the fine or cost by performing community service.

(c)  An order requiring a defendant to perform community service under this article must specify:

(1)  the number of hours of community service the defendant is required to perform, not to exceed 200 hours; and

(2)  the date by which the defendant must submit to the court documentation verifying that the defendant completed the community service.

(d)  The justice or judge may order the defendant to perform community service under this article:

(1)  by attending:

(A)  a work and job skills training program;

(B)  a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C)  an alcohol or drug abuse program;

(D)  a rehabilitation program;

(E)  a counseling program, including a self-improvement program;

(F)  a mentoring program; or

(G)  any similar activity; or

(2)  for:

(A)  a governmental entity;

(B)  a nonprofit organization or another organization that provides to the general public services that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C)  an educational institution.

(e)  An entity that accepts a defendant to perform community service under this article must agree to:

(1)  supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and

(2)  report on the defendant's community service to the justice or judge who ordered the service.

(f)  A justice or judge may not order a defendant to perform more than 16 hours of community service each week under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's family, as defined by Section 71.003, Family Code.

(g)  A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant to perform community service under this article is not liable for damages arising from an act or failure to act in connection with community service performed by a defendant under this article if the act or failure to act:

(1)  was performed pursuant to court order; and

(2)  was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(h)  A local juvenile probation department or a court-related services office may provide the administrative and other services necessary to supervise a defendant required to perform community service under this article.

(i)  A defendant is considered to have discharged not less than $100 of fines or costs for each eight hours of community service performed under this article.

(j)  A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed. (Code Crim. Proc., Art. 45.0492, as added Acts 82nd Leg., R.S., Ch. 777.)

Art. 45A.460.  COMMUNITY SERVICE TO SATISFY FINES OR COSTS FOR CERTAIN JUVENILE DEFENDANTS FOR OFFENSES ON SCHOOL GROUNDS. (a) This article applies only to a defendant younger than 17 years of age who is assessed a fine or cost for a Class C misdemeanor occurring in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense.

(b)  A justice or judge may require a defendant described by Subsection (a) to discharge all or part of the fine or cost by performing community service.

(c)  An order requiring a defendant to perform community service under this article must specify:

(1)  the number of hours of community service the defendant is required to perform; and

(2)  the date by which the defendant must submit to the court documentation verifying that the defendant completed the community service.

(d)  The justice or judge may order the defendant to perform community service under this article:

(1)  by attending:

(A)  a work and job skills training program;

(B)  a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C)  an alcohol or drug abuse program;

(D)  a rehabilitation program;

(E)  a counseling program, including a self-improvement program;

(F)  a mentoring program;

(G)  a tutoring program; or

(H)  any similar activity; or

(2)  for:

(A)  a governmental entity;

(B)  a nonprofit organization or another organization that provides to the general public services that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C)  an educational institution.

(e)  An entity that accepts a defendant to perform community service under this article must agree to:

(1)  supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and

(2)  report on the defendant's community service to the justice or judge who ordered the service.

(f)  A justice or judge may not order a defendant to perform more than 16 hours of community service each week under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's family, as defined by Section 71.003, Family Code.

(g)  A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant to perform community service under this article is not liable for damages arising from an act or failure to act in connection with community service performed by a defendant under this article if the act or failure to act:

(1)  was performed pursuant to court order; and

(2)  was not intentional, grossly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(h)  A local juvenile probation department or a court-related services office may provide the administrative and other services necessary to supervise a defendant required to perform community service under this article.

(i)  A defendant is considered to have discharged not less than $100 of fines or costs for each eight hours of community service performed under this article.

(j)  A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed. (Code Crim. Proc., Art. 45.0492, as added Acts 82nd Leg., R.S., Ch. 227.)

Art. 45A.461.  FAILURE TO PAY FINE OR APPEAR. (a) In this article, "child" has the meaning assigned by Article 45A.453(a).

(b)  A justice or municipal court may not order the confinement of a child for:

(1)  the failure to pay all or part of a fine or cost imposed for the conviction of an offense punishable by fine only;

(2)  the failure to appear for an offense committed by the child; or

(3)  contempt of another order of a justice or municipal court.

(c)  If a child fails to obey an order of a justice or municipal court under circumstances that would constitute contempt of court, the justice or municipal court, after providing notice and an opportunity to be heard, may:

(1)  refer the child to the appropriate juvenile court for delinquent conduct for contempt of the order; or

(2)  retain jurisdiction of the case, hold the child in contempt of court, and order that:

(A)  the contemnor pay a fine not to exceed $500; or

(B)  the Department of Public Safety suspend the contemnor's driver's license or permit or, if the contemnor does not have a license or permit, deny the issuance of a license or permit to the contemnor until the contemnor fully complies with the order.

(d)  A justice or municipal court may hold a person in contempt and impose a remedy authorized by Subsection (c)(2) if:

(1)  the person was convicted for an offense committed before the person's 17th birthday;

(2)  the person failed to obey the order while the person was 17 years of age or older; and

(3)  the failure to obey occurred under circumstances that constitute contempt of court.

(e)  A justice or municipal court may hold a person in contempt and impose a remedy authorized by Subsection (c)(2) if the person, while younger than 17 years of age, engaged in conduct in contempt of an order issued by the court, but contempt proceedings could not be held before the person's 17th birthday.

(f)  A justice or municipal court that orders suspension or denial of a driver's license or permit under Subsection (c)(2)(B) shall notify the Department of Public Safety on receiving proof of compliance with the orders of the justice or municipal court.

(g)  A justice or municipal court may not refer a person who violates a court order while 17 years of age or older to a juvenile court for delinquency proceedings for contempt of court. (Code Crim. Proc., Art. 45.050.)

Art. 45A.462.  CONFIDENTIAL RECORDS RELATED TO CERTAIN CHARGES AGAINST OR CONVICTIONS OF CHILD. (a) In this article, "child" has the meaning assigned by Article 45A.453(a).

(b)  Except as provided by Article 15.27 and Subsection (c) of this article, all records and files, including those held by law enforcement, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is charged with, is convicted of, is found not guilty of, had a charge dismissed for, or is granted deferred disposition for a fine-only misdemeanor offense other than a traffic offense are confidential and may not be disclosed to the public.

(c)  Information subject to Subsection (b) may be open to inspection only by:

(1)  a judge or court staff;

(2)  a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;

(3)  the Department of Public Safety;

(4)  an attorney for a party to the proceeding;

(5)  the child defendant; or

(6)  the defendant's parent, guardian, or managing conservator. (Code Crim. Proc., Art. 45.0217.)

Art. 45A.463.  EXPUNCTION OF CERTAIN RECORDS OF CHILD OR MINOR. (a) In this article, "child" has the meaning assigned by Section 51.02, Family Code.

(b)  This article does not apply to an offense otherwise covered by:

(1)  Chapter 106, Alcoholic Beverage Code; or

(2)  Chapter 161, Health and Safety Code.

(c)  On or after the person's 17th birthday, a person may apply to the court in which the person was convicted to have the conviction expunged as provided by this article if:

(1)  the person was convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; or

(2)  the person was convicted only once of an offense under Section 43.261, Penal Code.

(d)  The person must make a written request to have the records expunged.

(e)  The request must:

(1)  be under oath; and

(2)  contain the person's statement that the person was not convicted of any additional offense or found to have engaged in conduct indicating a need for supervision as described by Subsection (g)(1) or (2), as applicable.

(f)  The judge shall inform the person and any parent in open court of the person's expunction rights and provide them with a copy of this article.

(g)  The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:

(1)  for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by those subdivisions while the person was a child; and

(2)  for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(6), Family Code, while the person was a child.

(h)  After entry of an order under Subsection (g), the person is released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.

(i)  Records of a person younger than 17 years of age relating to a complaint may be expunged under this article if:

(1)  the complaint was dismissed under Subchapter G, Article 45A.401, or other law; or

(2)  the person was acquitted of the offense.

(j)  The justice or municipal court shall require a person who requests expunction under this article to pay a reimbursement fee in the amount of $30 to defray the cost of notifying state agencies of orders of expunction under this article.

(k)  The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55A. (Code Crim. Proc., Art. 45.0216.)

Art. 45A.464.  EXPUNCTION OF RECORDS RELATED TO FAILURE TO ATTEND SCHOOL. (a) In this article, "truancy offense" means an offense committed under the former Section 25.094, Education Code.

(b)  An individual who has been convicted of a truancy offense or has had a complaint for a truancy offense dismissed is entitled to an expunction of the conviction or complaint and records relating to the conviction or complaint.

(c)  Regardless of whether the individual has filed a petition for expunction, the court in which the individual was convicted or a complaint for a truancy offense was filed shall order the conviction, complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a school district or law enforcement agency, to be expunged from the individual's record.

(d)  After entry of the order, the individual is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose. (Code Crim. Proc., Art. 45.0541.)

CHAPTER 55A. EXPUNCTION OF CRIMINAL RECORDS

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CHAPTER 55A. EXPUNCTION OF CRIMINAL RECORDS

SUBCHAPTER A. MANDATORY EXPUNCTION

Art. 55A.001.  APPLICABILITY OF SUBCHAPTER. This subchapter applies to a person who has been placed under a custodial or noncustodial arrest for commission of a felony or misdemeanor. (Code Crim. Proc., Art. 55.01(a) (part).)

Art. 55A.002.  FOLLOWING TRIAL COURT ACQUITTAL. A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if the person is:

(1)  tried for the offense for which the person was arrested; and

(2)  acquitted by the trial court, except as provided by Article 55A.151. (Code Crim. Proc., Art. 55.01(a) (part).)

Art. 55A.003.  PARDON FOR ACTUAL INNOCENCE. A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if:

(1)  the person is:

(A)  tried for and convicted of the offense for which the person was arrested; and

(B)  subsequently pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense; and

(2)  the applicable pardon or court order clearly indicates on its face that the pardon or order was granted or issued on the basis of the person's actual innocence. (Code Crim. Proc., Art. 55.01(a) (part).)

Art. 55A.004.  PARDON FOR REASON OTHER THAN ACTUAL INNOCENCE. A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if the person is:

(1)  tried for and convicted of the offense for which the person was arrested; and

(2)  subsequently pardoned for that offense for a reason other than that described by Article 55A.003. (Code Crim. Proc., Art. 55.01(a) (part).)

Art. 55A.005.  UNLAWFUL CARRYING OF HANDGUN. A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if:

(1)  the person was tried for and convicted of the offense for which the person was arrested; and

(2)  the offense was committed before September 1, 2021, under Section 46.02(a), Penal Code, as that section existed before that date. (Code Crim. Proc., Art. 55.01(a) (part).)

Art. 55A.006.  MISTAKEN IDENTITY. Notwithstanding the limitation provided by Article 55A.001, a person is entitled to obtain the expunction of any information that identifies the person, including the person's name, address, date of birth, driver's license number, and social security number, contained in records and files relating to the person's arrest or the arrest of another person if:

(1)  the expunction of identifying information is sought with respect to the arrest of the person asserting the entitlement and the person was arrested solely as a result of identifying information that was inaccurate due to a clerical error; or

(2)  the expunction of identifying information is sought with respect to the arrest of a person other than the person asserting the entitlement and:

(A)  the information identifying the person asserting the entitlement was falsely given by the arrested person as the arrested person's identifying information without the consent of the person asserting the entitlement; and

(B)  the only reason why the identifying information of the person asserting the entitlement is contained in the applicable arrest records and files is the deception of the arrested person. (Code Crim. Proc., Art. 55.01(d); New.)

SUBCHAPTER B. SPECIAL CIRCUMSTANCES REQUIRING MANDATORY EXPUNCTION

Art. 55A.051.  APPLICABILITY OF SUBCHAPTER. This subchapter applies to a person who has been placed under a custodial or noncustodial arrest for commission of a felony or misdemeanor if:

(1)  the person has been released;

(2)  the charge, if any, has not resulted in a final conviction and is no longer pending; and

(3)  there was no court-ordered community supervision under Chapter 42A for the offense, other than for a Class C misdemeanor. (Code Crim. Proc., Art. 55.01(a) (part).)

Art. 55A.052.  INDICTMENT OR INFORMATION NOT PRESENTED. (a) A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested has not been presented against the person at any time following the arrest and if:

(1)  at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and there was no felony charge arising out of the same transaction for which the person was arrested;

(2)  at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and there was no felony charge arising out of the same transaction for which the person was arrested;

(3)  at least three years have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a felony or there was a felony charge arising out of the same transaction for which the person was arrested; or

(4)  the attorney representing the state certifies that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person.

(b)  A person is entitled to an expunction under this article regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired. (Code Crim. Proc., Art. 55.01(a) (part).)

Art. 55A.053.  INDICTMENT OR INFORMATION DISMISSED OR QUASHED. (a) A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if:

(1)  an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested, when presented at any time following the arrest, was dismissed or quashed; and

(2)  the court finds that the indictment or information was dismissed or quashed because:

(A)  the person completed a veterans treatment court program created under Chapter 124, Government Code, or former law, subject to Subsection (b);

(B)  the person completed a mental health court program created under Chapter 125, Government Code, or former law, subject to Subsection (c);

(C)  the person completed a pretrial intervention program authorized under Section 76.011, Government Code, other than a program described by Paragraph (A) or (B);

(D)  the presentment of the indictment or information was made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense; or

(E)  the indictment or information was void.

(b)  A person is eligible under Subsection (a)(2)(A) for an expunction of arrest records and files only if the person:

(1)  has not previously received an expunction under that paragraph; and

(2)  submits to the court an affidavit attesting to that fact.

(c)  A person is eligible under Subsection (a)(2)(B) for an expunction of arrest records and files only if the person:

(1)  has not previously received an expunction under that paragraph; and

(2)  submits to the court an affidavit attesting to that fact.

(d)  A person is entitled to an expunction under this article regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired. (Code Crim. Proc., Arts. 55.01(a) (part), (a-3), (a-4).)

Art. 55A.054.  EXPIRATION OF LIMITATIONS PERIOD. A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired. (Code Crim. Proc., Art. 55.01(a) (part).)

SUBCHAPTER C. DISCRETIONARY EXPUNCTION

Art. 55A.101.  APPELLATE COURT ACQUITTAL OR RECOMMENDATION OF ATTORNEY REPRESENTING STATE. (a) Except as provided by Article 55A.151 and subject to Subsection (b), a district court, a justice court, or a municipal court of record may expunge all records and files relating to the arrest of a person if:

(1)  the person is:

(A)  tried for the offense for which the person was arrested;

(B)  convicted of the offense; and

(C)  acquitted by the court of criminal appeals or, if the period for granting a petition for discretionary review has expired, by a court of appeals; or

(2)  an office of the attorney representing the state authorized by law to prosecute the offense for which the person was arrested recommends the expunction to the court before the person is tried for the offense, regardless of whether an indictment or information has been presented against the person with respect to the offense.

(b)  A justice court or a municipal court of record may only expunge records and files under Subsection (a) that relate to the arrest of a person for an offense punishable by fine only. (Code Crim. Proc., Arts. 55.01(b), (b-1).)

SUBCHAPTER D. EXPUNCTION PROHIBITED

Art. 55A.151.  CONVICTION OR POTENTIAL PROSECUTION ARISING FROM SAME CRIMINAL EPISODE. A court may not order the expunction of records and files relating to an arrest for an offense for which a person is subsequently acquitted, whether by the trial court, a court of appeals, or the court of criminal appeals, if the offense for which the person was acquitted arose out of a criminal episode, as defined by Section 3.01, Penal Code, and the person was convicted of or remains subject to prosecution for at least one other offense occurring during the criminal episode. (Code Crim. Proc., Art. 55.01(c).)

Art. 55A.152.  DRIVER'S LICENSE SUSPENSION OR REVOCATION. Records relating to the suspension or revocation of a driver's license, permit, or privilege to operate a motor vehicle may not be expunged under this chapter except as provided by Section 524.015 or 724.048, Transportation Code. (Code Crim. Proc., Art. 55.06.)

Art. 55A.153.  ARREST FOR VIOLATION OF COMMUNITY SUPERVISION. Notwithstanding any provision of Subchapter A, B, or C, a person may not expunge records and files relating to an arrest that occurs pursuant to a warrant issued under Article 42A.751(b). (Code Crim. Proc., Art. 55.01(a-1).)

Art. 55A.154.  CERTAIN PERSONS ABSCONDING AFTER ARREST. Notwithstanding any provision of Subchapter A, B, or C, a person who intentionally or knowingly absconds from the jurisdiction after being released under Chapter 17 following an arrest is not eligible under Article 55A.052(a)(1), (2), or (3) or 55A.054 for an expunction of the records and files relating to that arrest. (Code Crim. Proc., Art. 55.01(a-2).)

SUBCHAPTER E. PROCEDURES FOR AUTOMATIC ENTRY OF EXPUNCTION ORDER

Art. 55A.201.  TRIAL COURT ACQUITTAL. (a) At the request of the acquitted person and after notice to the state, or at the request of the attorney representing the state with the consent of the acquitted person, an expunction order shall be entered, not later than the 30th day after the date of the acquittal, for a person entitled to expunction under Article 55A.002 by:

(1)  the trial court presiding over the case in which the person was acquitted, if the court is:

(A)  a district court;

(B)  a justice court; or

(C)  a municipal court of record; or

(2)  a district court in the county in which the trial court is located.

(b)  On acquittal, the trial court shall advise the acquitted person of the right to expunction.

(c)  The party requesting the expunction order shall provide to the court all of the information required in a petition for expunction under Article 55A.253.

(d)  An expunction order under this article shall be prepared for the court's signature by:

(1)  the attorney for the acquitted person in the case in which the person was acquitted, if the acquitted person was represented by an attorney; or

(2)  the attorney representing the state, if the person was not represented by an attorney or if the attorney representing the state requested the order. (Code Crim. Proc., Art. 55.02, Sec. 1.)

Art. 55A.202.  PARDON FOR ACTUAL INNOCENCE. (a) In a case in which a person is entitled to expunction under Article 55A.003, an expunction order shall be entered, not later than the 30th day after the date the court receives notice of the applicable pardon or other grant of relief, for the person by:

(1)  the trial court presiding over the case, if the court is:

(A)  a district court;

(B)  a justice court; or

(C)  a municipal court of record; or

(2)  a district court in the county in which the trial court is located.

(b)  The person described by Subsection (a) shall provide to the court all of the information required in a petition for expunction under Article 55A.253. (Code Crim. Proc., Art. 55.02, Sec. 1a(a).)

Art. 55A.203.  CERTAIN SPECIALTY COURT PROGRAMS. (a) A trial court that is a district court or a district court in the county in which the trial court is located may, with the consent of the attorney representing the state, enter an expunction order for a person entitled to expunction under Article 55A.053(a)(2)(A) not later than the 30th day after the date the court, as applicable:

(1)  dismisses the case following the person's successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law; or

(2)  receives the information regarding the dismissal.

(b)  A trial court that is a district court or a district court in the county in which the trial court is located may, with the consent of the attorney representing the state, enter an expunction order for a person entitled to expunction under Article 55A.053(a)(2)(B) not later than the 30th day after the date the court, as applicable:

(1)  dismisses the case following the person's successful completion of a mental health court program created under Chapter 125, Government Code, or former law; or

(2)  receives the information regarding the dismissal.

(c)  Notwithstanding any other law, a court that enters an expunction order under this article may not charge any fee or assess any cost for the expunction. (Code Crim. Proc., Art. 55.02, Secs. 1a(a-1), (a-2).)

Art. 55A.204.  DUTIES OF ATTORNEY REPRESENTING STATE REGARDING EXPUNCTION ORDER. The attorney representing the state shall prepare an expunction order under Article 55A.202 or 55A.203 for the court's signature and notify the Texas Department of Criminal Justice if the person who is the subject of the order is in the custody of the department. (Code Crim. Proc., Art. 55.02, Sec. 1a(b).)

Art. 55A.205.  REQUIRED CONTENT OF EXPUNCTION ORDER. In an expunction order entered under Article 55A.202 or 55A.203, the court shall:

(1)  provide a listing of each official, agency, or other entity of this state or political subdivision of this state and each private entity that there is reason to believe has any record or file that is subject to the order; and

(2)  require that:

(A)  the Texas Department of Criminal Justice send to the court any documents delivered to the department under Section 8(a), Article 42.09; and

(B)  the Department of Public Safety and the Texas Department of Criminal Justice delete or redact, as appropriate, from their public records all index references to the records and files that are subject to the expunction order. (Code Crim. Proc., Art. 55.02, Sec. 1a(c).)

Art. 55A.206.  REQUIRED RETENTION OF CERTAIN DOCUMENTS BY COURT. The court shall retain any documents sent to the court under Article 55A.205(2)(A) until the limitations period has expired for any civil case or proceeding relating to the wrongful imprisonment of the person who is the subject of the expunction order. (Code Crim. Proc., Art. 55.02, Sec. 1a(d).)

SUBCHAPTER F. GENERAL PROCEDURES FOR SEEKING ENTRY OF EXPUNCTION ORDER

Art. 55A.251.  FILING OF PETITION. A person who is entitled to expunction of records and files under Article 55A.002, 55A.004, or 55A.005 or Subchapter B, or a person who is eligible for expunction of records and files under Article 55A.101, may, subject to Article 55A.252, file an ex parte petition for expunction in a district court for the county in which:

(1)  the petitioner was arrested; or

(2)  the offense was alleged to have occurred. (Code Crim. Proc., Art. 55.02, Sec. 2(a); New.)

Art. 55A.252.  FILING CERTAIN PETITIONS IN JUSTICE OR MUNICIPAL COURT. If the arrest for which expunction is sought is for an offense punishable by fine only, a person who is entitled to expunction of records and files under Article 55A.002, 55A.003, 55A.004, or 55A.005 or Subchapter B, or a person who is eligible for expunction of records and files under Article 55A.101(a) may file an ex parte petition for expunction in a justice court or a municipal court of record in the county in which:

(1)  the petitioner was arrested; or

(2)  the offense was alleged to have occurred. (Code Crim. Proc., Art. 55.02, Sec. 2(a-1).)

Art. 55A.253.  CONTENTS OF PETITION. An ex parte petition filed under Article 55A.251, 55A.252, or 55A.257 must be verified and must include, with respect to the person who is the subject of the petition, the following or an explanation for why one or more of the following is not included:

(1)  the person's:

(A)  full name;

(B)  sex;

(C)  race;

(D)  date of birth;

(E)  driver's license number;

(F)  social security number; and

(G)  address at the time of the arrest;

(2)  the offense charged;

(3)  the date the offense charged was alleged to have been committed;

(4)  the date of arrest;

(5)  the name of the county of arrest and if the arrest occurred in a municipality, the name of the municipality;

(6)  the name of the arresting agency;

(7)  the case number and court of offense; and

(8)  together with the applicable physical or e-mail addresses, a list of all:

(A)  law enforcement agencies, jails or other detention facilities, magistrates, courts, attorneys representing the state, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state;

(B)  central federal depositories of criminal records that the person who is the subject of the petition has reason to believe have records or files that are subject to expunction; and

(C)  private entities that compile and disseminate for compensation criminal history record information that the person who is the subject of the petition has reason to believe have information related to records or files that are subject to expunction. (Code Crim. Proc., Art. 55.02, Secs. 2(b), (f).)

Art. 55A.254.  HEARING; NOTICE. (a) The court shall set a hearing on an ex parte petition for expunction not earlier than 30 days from the filing of the petition and shall give to each official or agency or other governmental entity named in the petition reasonable notice of the hearing by:

(1)  certified mail, return receipt requested; or

(2)  secure electronic mail, electronic transmission, or facsimile transmission.

(b)  An entity described by Subsection (a) may be represented by the attorney responsible for providing the entity with legal representation in other matters.

(c)  Any returned receipts received by the clerk from notices of the hearing shall be maintained in the file on the proceedings under Article 55A.356(b). (Code Crim. Proc., Art. 55.02, Secs. 2(c), (c-1); Sec. 3(d) (part).)

Art. 55A.255.  ENTRY OF EXPUNCTION ORDER.  If the court finds that the person who is the subject of an ex parte petition filed under Article 55A.251, 55A.252, or 55A.257 is entitled to expunction of any records and files that are the subject of the petition, the court shall enter an order directing expunction. (Code Crim. Proc., Art. 55.02, Sec. 2(d).)

Art. 55A.256.  APPLICATION FOR EXPUNCTION BASED ON MISTAKEN IDENTITY. (a) A person who is entitled to the expunction of information contained in records and files under Article 55A.006 may file an application for expunction with the attorney representing the state in the prosecution of felonies in the county in which the person resides.

(b)  The application must be verified, include authenticated fingerprint records of the applicant, and include the following or an explanation for why one or more of the following is not included:

(1)  the applicant's:

(A)  full name;

(B)  sex;

(C)  race;

(D)  date of birth;

(E)  driver's license number;

(F)  social security number; and

(G)  address at the time of the applicable arrest;

(2)  the following information regarding the arrest:

(A)  the date of arrest;

(B)  the offense charged against the person arrested;

(C)  the name of the county or municipality in which the arrest occurred; and

(D)  the name of the arresting agency; and

(3)  a statement, as appropriate, that the applicant:

(A)  was arrested solely as a result of identifying information that was inaccurate due to a clerical error; or

(B)  is not the person arrested and for whom the arrest records and files were created and did not give the arrested person consent to falsely identify himself or herself as the applicant.

(c)  After verifying the allegations in the application, the attorney representing the state shall:

(1)  include on the application information regarding the arrest that was requested of the applicant but was unknown by the applicant;

(2)  forward a copy of the application to the district court for the county;

(3)  together with the applicable physical or e-mail addresses, attach to the copy a list of all:

(A)  law enforcement agencies, jails or other detention facilities, magistrates, courts, attorneys representing the state, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state;

(B)  central federal depositories of criminal records that are reasonably likely to have records or files containing information that is subject to expunction; and

(C)  private entities that compile and disseminate for compensation criminal history record information that are reasonably likely to have records or files containing information that is subject to expunction; and

(4)  request the court to enter an order directing expunction based on an entitlement to expunction under Article 55A.006.

(d)  On receipt of a request under Subsection (c), the court shall, without holding a hearing on the matter, enter a final order directing expunction. (Code Crim. Proc., Art. 55.02, Sec. 2a.)

Art. 55A.257.  DEPARTMENT OF PUBLIC SAFETY MAY FILE PETITION ON PERSON'S BEHALF.  The director of the Department of Public Safety or the director's authorized representative may file on behalf of a person described by Article 55A.251 or 55A.256 an ex parte petition for expunction in a district court for the county in which:

(1)  the person was arrested; or

(2)  the offense was alleged to have occurred. (Code Crim. Proc., Art. 55.02, Sec. 2(e).)

Art. 55A.258.  EXPUNCTION ON BEHALF OF DECEASED PERSON. (a) In this article, "close relative of a deceased person" means the grandparent, parent, spouse, or adult brother, sister, or child of a deceased person.

(b)  A close relative of a deceased person who, if not deceased, would be entitled to expunction of records and files under Subchapter A, B, or C may file on behalf of the deceased person an ex parte petition for expunction under Article 55A.251 or 55A.252 or an application for expunction under Article 55A.256, as applicable. If the court finds that the deceased person would be entitled to expunction of any record or file that is the subject of the petition, the court shall enter an order directing expunction. (Code Crim. Proc., Art. 55.011.)

SUBCHAPTER G. EXPUNCTION ORDER

Art. 55A.301.  REQUIRED CONTENT. (a) An expunction order entered by a court under Subchapter E or F must have attached and incorporate by reference a copy of the judgment of acquittal, if any, and must include:

(1)  the following information on the person who is the subject of the expunction order:

(A)  full name;

(B)  sex;

(C)  race;

(D)  date of birth;

(E)  driver's license number; and

(F)  social security number;

(2)  the offense charged against the person who is the subject of the expunction order, if any;

(3)  the date of the applicable arrest;

(4)  the case number and court of offense, if any; and

(5)  the incident number assigned to the individual incident of arrest under Article 66.251(b)(1) by the Department of Public Safety.

(b)  An expunction order issued by a court under Subchapter E or F must require any state agency that sent information concerning the arrest to a central federal depository to request the depository to return all records and files subject to the order. (Code Crim. Proc., Art. 55.02, Secs. 3(a) (part), (b).)

Art. 55A.302.  RETENTION OF CERTAIN RECORDS AFTER EXPUNCTION. (a) If the state establishes that the person who is the subject of an expunction order is still subject to conviction for an offense arising out of the transaction for which the person was arrested because the limitations period has not expired and there is reasonable cause to believe that the state may proceed against the person for the offense, the court may provide in the order that the law enforcement agency and the attorney representing the state responsible for investigating the offense retain any records and files that are necessary to the investigation.

(b)  In the case of a person who is the subject of an expunction order on the basis of an acquittal, the court may provide in the expunction order that the law enforcement agency and the attorney representing the state retain records and files if:

(1)  the records and files are necessary to conduct a subsequent investigation and prosecution of a person other than the person who is the subject of the expunction order; or

(2)  the state establishes that the records and files are necessary for use in:

(A)  another criminal case, including a prosecution, motion to adjudicate or revoke community supervision, parole revocation hearing, mandatory supervision revocation hearing, punishment hearing, or bond hearing; or

(B)  a civil case, including a civil suit or suit for possession of or access to a child.

(c)  The court shall provide in the expunction order that the applicable law enforcement agency and attorney representing the state may retain the arrest records and files of any person who becomes entitled to an expunction of those records and files based on the expiration of a period described by Article 55A.052(a)(1), (2), or (3), but without the certification of the attorney representing the state as described by Article 55A.052(a)(4).

(d)  Articles 55A.401 and 55A.402 apply to records and files retained under this article unless:

(1)  the person who is the subject of the expunction order is again arrested for or charged with an offense arising out of the transaction for which the person was arrested; or

(2)  the court provides for the retention of records and files under Subsection (b) or (c). (Code Crim. Proc., Art. 55.02, Sec. 4.)

Art. 55A.303.  APPEAL. A person who is the subject of an expunction order issued under Subchapter E or F or an agency protesting the expunction may appeal the court's decision in the same manner as in other civil cases. (Code Crim. Proc., Art. 55.02, Sec. 3(a) (part).)

SUBCHAPTER H. NOTICE AND DISPOSITION OF RECORDS FOLLOWING EXPUNCTION ORDER

Art. 55A.351.  NOTICE OF EXPUNCTION ORDER. (a) When an expunction order issued under Subchapter E or F is final, the clerk of the court shall send a certified copy of the order to the Crime Records Service of the Department of Public Safety and to each official or agency or other governmental entity of this state or of any political subdivision of this state named in the order.

(b)  The certified copy of the order must be sent by secure electronic mail, electronic transmission, or facsimile transmission or otherwise by certified mail, return receipt requested.

(c)  In sending the order under Subsection (a) to a governmental entity named in the order, the clerk may elect to substitute hand delivery for certified mail, but the clerk must receive a receipt for that hand-delivered order.

(d)  Any returned receipts received by the clerk from copies of the order shall be maintained in the file on the proceedings under Article 55A.356(b). (Code Crim. Proc., Art. 55.02, Secs. 3(c), (d) (part).)

Art. 55A.352.  DUTY OF DEPARTMENT OF PUBLIC SAFETY. (a) In this article, "department" means the Department of Public Safety.

(b)  The department shall notify any central federal depository of criminal records by any means, including secure electronic mail, electronic transmission, or facsimile transmission, of an order received under Article 55A.351(a) with an explanation of the effect of the order and a request that the depository, as appropriate, either:

(1)  destroy or return to the court the records in possession of the depository that are subject to the order, including any information with respect to the order; or

(2)  comply with Article 55A.354 pertaining to information contained in records and files of a person entitled to expunction under Article 55A.006.

(c)  The department shall provide, by secure electronic mail, electronic transmission, or facsimile transmission, notice of the order to any private entity that is named in the order or that purchases criminal history record information from the department.

(d)  The notice under Subsection (c) must include an explanation of the effect of the order and a request that the private entity destroy any information in the possession of the entity that is subject to the order.

(e)  The department may charge to a private entity that purchases criminal history record information from the department a fee in an amount sufficient to recover costs incurred by the department in providing notice under Subsection (c). (Code Crim. Proc., Art. 55.02, Secs. 3(c-1), (c-2); New.)

Art. 55A.353.  DISPOSITION OF EXPUNGED RECORDS. Except as provided by Articles 55A.354 and 55A.357, on receipt of an expunction order issued under Subchapter E or F, each official or agency or other governmental entity named in the order shall:

(1)  as appropriate:

(A)  return all records and files that are subject to the expunction order to the court; or

(B)  in cases other than those described by Articles 55A.202 and 55A.203, if removal is impracticable, obliterate all portions of the record or file that identify the person who is the subject of the order and notify the court of the action; and

(2)  delete from the named entity's public records all index references to the records and files that are subject to the expunction order. (Code Crim. Proc., Art. 55.02, Sec. 5(a).)

Art. 55A.354.  DISPOSITION OF RECORDS EXPUNGED DUE TO MISTAKEN IDENTITY. On receipt of an order granting expunction to a person entitled to expunction under Article 55A.006, each official, agency, or other governmental entity named in the order:

(1)  shall:

(A)  obliterate all portions of the record or file that identify the person who is the subject of the order; and

(B)  if applicable, substitute for all obliterated portions of the record or file any available information that identifies the person arrested; and

(2)  may not return the record or file or delete index references to the record or file. (Code Crim. Proc., Art. 55.02, Sec. 5(f).)

Art. 55A.355.  PROVIDING EXPUNGED RECORDS TO PERSON WHO IS SUBJECT OF EXPUNCTION. (a) The court may give the person who is the subject of an expunction order all records and files returned to the court pursuant to the order.

(b)  This article does not apply to a person who is the subject of an expunction order on the basis of:

(1)  an acquittal; or

(2)  an entitlement under Article 55A.006. (Code Crim. Proc., Art. 55.02, Sec. 5(b).)

Art. 55A.356.  INSPECTION AND DISPOSITION OF COURT'S RECORDS CONCERNING EXPUNCTION. (a) Except in the case of a person who is the subject of an expunction order based on an entitlement under Article 55A.006 and except as provided by Article 55A.357, if an expunction order is issued under Subchapter E or F, the court records concerning expunction proceedings are not open for inspection by any person except the person who is the subject of the order unless:

(1)  the order permits retention of a record under Article 55A.302 and the person is again arrested for or charged with an offense arising out of the transaction for which the person was arrested; or

(2)  the court provides for the retention of records and files under Article 55A.302(a).

(b)  The clerk of the court issuing the order shall obliterate all public references to the proceeding and maintain the files or other records in an area not open to inspection.

(c)  Except in the case of a person who is the subject of an expunction order on the basis of an acquittal or an expunction order based on an entitlement under Article 55A.006 and except as provided by Article 55A.357, the clerk of the court shall destroy all the files or other records maintained under Subsection (b) not earlier than the 60th day after the date the order is issued or later than the first anniversary of that date, unless the records or files were released under Article 55A.355.

(d)  Not later than the 30th day before the date on which the clerk destroys files or other records under Subsection (c), the clerk shall provide notice by mail, electronic mail, or facsimile transmission to the attorney representing the state in the expunction proceeding. If the attorney representing the state in the expunction proceeding objects to the destruction not later than the 20th day after receiving notice under this subsection, the clerk may not destroy the files or other records until the first anniversary of the date the expunction order is issued or the first business day after that date.

(e)  The clerk shall certify to the court the destruction of files or other records under Subsection (c). (Code Crim. Proc., Art. 55.02, Secs. 5(c), (d), (d-1), (e).)

Art. 55A.357.  RETENTION OF FINANCIAL TRANSACTION RECORDS. (a) Notwithstanding Articles 55A.353, 55A.354, 55A.355, and 55A.356 and in accordance with internal financial control procedures, an official, agency, court, or other entity may retain receipts, invoices, vouchers, or similar records of financial transactions that arose from an expunction proceeding or prosecution of the underlying criminal action.

(b)  An official, agency, court, or other entity that retains records under this article shall obliterate all portions of the record or file that identify the person who is the subject of the expunction order. (Code Crim. Proc., Art. 55.02, Sec. 5(g).)

SUBCHAPTER I. EFFECT OF EXPUNCTION ORDER

Art. 55A.401.  EFFECT OF FINAL EXPUNCTION ORDER. When an expunction order issued under Subchapter E or F is final:

(1)  the release, maintenance, dissemination, or use of the expunged records and files for any purpose is prohibited;

(2)  except as provided by Subdivision (3), the person arrested may deny the occurrence of the arrest and the existence of the expunction order; and

(3)  the person arrested or any other person, when questioned under oath in a criminal proceeding about an arrest for which the records have been expunged, may state only that the matter in question has been expunged. (Code Crim. Proc., Art. 55.03.)

Art. 55A.402.  OFFENSE FOR VIOLATION OF EXPUNCTION ORDER. (a) A person commits an offense if the person:

(1)  learns of an arrest while an officer or employee of the state or of any agency or other entity of the state or any political subdivision of the state;

(2)  knows of an order expunging the records and files relating to that arrest; and

(3)  knowingly releases, disseminates, or otherwise uses the records or files.

(b)  A person commits an offense if the person knowingly fails to return or to obliterate identifying portions of a record or file ordered expunged under this chapter.

(c)  An offense under this article is a Class B misdemeanor. (Code Crim. Proc., Art. 55.04.)

SUBCHAPTER J. NOTICE OF EXPUNCTION LAW

Art. 55A.451.  NOTICE OF EXPUNCTION LAW TO PERSONS RELEASED FOLLOWING ARREST. On release or discharge of an arrested person, the person responsible for the release or discharge shall give the released or discharged person a written explanation of that person's rights under this chapter and a copy of the provisions of this chapter. (Code Crim. Proc., Art. 55.05.)

SECTION 1.002.  Subchapter F, Chapter 19A, Code of Criminal Procedure, is amended by adding Article 19A.256 to read as follows:

Art. 19A.256.  ASSEMBLY OF GRAND JURY IN SEXUAL ASSAULT CASES. (a) If a district judge becomes aware that sexual assault within the jurisdiction of the court has probably been committed, the judge shall direct the grand jury to investigate the accusation:

(1)  immediately, if the court is in session; or

(2)  at the next term of a district court in any county of the district, if the court is not in session.

(b)  If the court is in session but the grand jury has been discharged, the district judge shall immediately recall the grand jury to investigate the accusation.

SECTION 1.003.  Section 502.407, Transportation Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  For purposes of dismissing a charge under Subsection (b), "day" does not include Saturday, Sunday, or a legal holiday.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.001.  Section 122.351, Agriculture Code, is amended to read as follows:

Sec. 122.351.  DEFINITION. In this subchapter, "peace officer" has the meaning assigned by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.002.  Section 153.003, Agriculture Code, is amended to read as follows:

Sec. 153.003.  INSPECTIONS. Program rules must authorize the special rangers appointed under Article 2A.006 [~~2.125~~], Code of Criminal Procedure, and other association employees designated by the special rangers, to inspect and record brands and other identifying characteristics of cattle at livestock auction markets.

SECTION 2.003.  Section 106.12(f), Alcoholic Beverage Code, is amended to read as follows:

(f)  The procedures for expunction provided under this section are separate and distinct from the expunction procedures under Chapter 55A [~~55~~], Code of Criminal Procedure.

SECTION 2.004.  Section 108.001(6), Business & Commerce Code, is amended to read as follows:

(6)  "Peace officer" means a person elected, employed, or appointed as a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law.

SECTION 2.005.  Section 109.001(5), Business & Commerce Code, is amended to read as follows:

(5)  "Confidential criminal record information of a child" means information about a person's involvement in the criminal justice system resulting from conduct that occurred or was alleged to occur when the person was younger than 17 years of age that is confidential under Chapter 45A [~~45~~], Code of Criminal Procedure, or other law. The term does not include:

(A)  criminal record information of a person certified to stand trial as an adult for that conduct, as provided by Section 54.02, Family Code; or

(B)  information relating to a traffic offense.

SECTION 2.006.  Section 109.002(a), Business & Commerce Code, is amended to read as follows:

(a)  Except as provided by Subsection (b), this chapter applies to:

(1)  a business entity that:

(A)  publishes criminal record information, including information:

(i)  originally obtained pursuant to a request for public information under Chapter 552, Government Code; or

(ii)  purchased or otherwise obtained by the entity or an affiliated business entity from the Department of Public Safety under Subchapter F, Chapter 411, Government Code; and

(B)  requires the payment:

(i)  of a fee in an amount of $150 or more or other consideration of comparable value to remove criminal record information; or

(ii)  of a fee or other consideration to correct or modify criminal record information; or

(2)  a business entity that publishes confidential juvenile record information or confidential criminal record information of a child in a manner not permitted by Chapter 58, Family Code, Chapter 45A [~~45~~], Code of Criminal Procedure, or other law, regardless of:

(A)  the source of the information; or

(B)  whether the business entity charges a fee for access to or removal or correction of the information.

SECTION 2.007.  Section 109.005(a), Business & Commerce Code, is amended to read as follows:

(a)  A business entity may not publish any criminal record information in the business entity's possession with respect to which the business entity has knowledge or has received notice that:

(1)  an order of expunction has been issued under Article 55A.201 [~~55.02~~], Code of Criminal Procedure; or

(2)  an order of nondisclosure of criminal history record information has been issued under Subchapter E-1, Chapter 411, Government Code.

SECTION 2.008.  Section 114.0001(4), Business & Commerce Code, as added by Chapter 47 (H.B. 390), Acts of the 87th Legislature, Regular Session, 2021, is amended to read as follows:

(4)  "Peace officer" means a peace officer described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, appointed or employed to serve as a peace officer for a law enforcement agency.

SECTION 2.009.  Section 30.006(a), Civil Practice and Remedies Code, is amended to read as follows:

(a)  In this section, "law enforcement agency" means a governmental agency that employs a peace officer as defined by [~~under~~] Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.010.  Section 78A.001(1), Civil Practice and Remedies Code, is amended to read as follows:

(1)  "First responder" means a law enforcement, fire protection, or emergency medical services employee or volunteer, including:

(A)  a peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure;

(B)  fire protection personnel as defined by Section 419.021, Government Code;

(C)  a volunteer firefighter who is:

(i)  certified by the Texas Commission on Fire Protection or by the State Firefighters' and Fire Marshals' Association of Texas; or

(ii)  a member of an organized volunteer fire-fighting unit that renders fire-fighting services without remuneration and conducts a minimum of two drills each month, each two hours long; and

(D)  an individual certified as emergency medical services personnel by the Department of State Health Services.

SECTION 2.011.  Section 100.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 100.001.  AFFIRMATIVE DEFENSE. It is an affirmative defense to a civil action for damages for personal injury or death brought against a person performing duties under Article 2A.002(f) [~~2.122(f)~~], Code of Criminal Procedure, the person's employer, or the owner of a commercial nuclear power plant where the person was working, that at the time the cause of action arose the person was justified in using force under Chapter 9, Penal Code.

SECTION 2.012.  Article 5.03, Code of Criminal Procedure, is amended to read as follows:

Art. 5.03.  FAMILY OR HOUSEHOLD RELATIONSHIP DOES NOT CREATE AN EXCEPTION TO OFFICIAL DUTIES. A general duty prescribed for an officer by Chapter 2A [~~2 of this code~~] is not waived or excepted in any family violence case or investigation because of a family or household relationship between an alleged violator and the victim of family violence. A peace officer's or a magistrate's duty to prevent the commission of criminal offenses, including acts of family violence, is not waived or excepted because of a family or household relationship between the potential violator and victim.

SECTION 2.013.  Articles 14.03(g)(1) and (2), Code of Criminal Procedure, are amended to read as follows:

(1)  A peace officer described by [~~listed in Subdivision (1), (2), or (5),~~] Article 2A.001(1), (2), or (5) [~~2.12~~], who is licensed under Chapter 1701, Occupations Code, and is outside of the officer's jurisdiction may arrest without a warrant a person who commits any offense within the officer's presence or view, other than a violation of Subtitle C, Title 7, Transportation Code.

(2)  A peace officer described by [~~listed in Subdivision (3),~~] Article 2A.001(3) [~~2.12~~], who is licensed under Chapter 1701, Occupations Code, and is outside of the officer's jurisdiction may arrest without a warrant a person who commits any offense within the officer's presence or view, except that an officer described in this subdivision who is outside of that officer's jurisdiction may arrest a person for a violation of Subtitle C, Title 7, Transportation Code, only if the offense is committed in the county or counties in which the municipality employing the peace officer is located.

SECTION 2.014.  Article 15.18(d), Code of Criminal Procedure, is amended to read as follows:

(d)  This article does not apply to an arrest made pursuant to a capias pro fine issued under Chapter 43 or Article 45A.259 [~~45.045~~].

SECTION 2.015.  Article 17.291(a), Code of Criminal Procedure, is amended to read as follows:

(a)  In this article:

(1)  "Family [~~family~~] violence" has the meaning assigned [~~to that phrase~~] by Section 71.004, Family Code. [~~; and~~]

(2)  "Magistrate [~~magistrate~~]" has the meaning assigned [~~to it~~] by Article 2A.151 [~~2.09 of this code~~].

SECTION 2.016.  Section 4(a), Article 17.42, Code of Criminal Procedure, is amended to read as follows:

(a)  Except as otherwise provided by this subsection, if a court releases an accused on personal bond on the recommendation of a personal bond office, the court shall assess a personal bond reimbursement fee of $20 or three percent of the amount of the bail fixed for the accused, whichever is greater. The court may waive the fee or assess a lesser fee if good cause is shown. A court that requires a defendant to give a personal bond under Article 45A.107 [~~45.016~~] may not assess a personal bond fee under this subsection.

SECTION 2.017.  Article 24.01(c), Code of Criminal Procedure, is amended to read as follows:

(c)  A person who is not a peace officer may not be compelled to accept the duty to execute a subpoena, but if the person [~~he~~] agrees in writing to accept that duty and neglects or refuses to serve or return the subpoena, the person [~~he~~] may be punished in accordance with Article 2A.055 [~~2.16 of this code~~].

SECTION 2.018.  Article 27.14(d), Code of Criminal Procedure, is amended to read as follows:

(d)  If written notice of an offense for which maximum possible punishment is by fine only or of a violation relating to the manner, time, and place of parking has been prepared, delivered, and filed with the court and a legible duplicate copy has been given to the defendant, the written notice serves as a complaint to which the defendant may plead "guilty," "not guilty," or "nolo contendere." If the defendant pleads "not guilty" to the offense or fails to appear based on the written notice, a complaint shall be filed that conforms to the requirements of Chapter 45A [~~45 of this code~~], and that complaint serves as an original complaint. A defendant may waive the filing of a sworn complaint and elect that the prosecution proceed on the written notice of the charged offense if the defendant agrees in writing with the prosecution, signs the agreement, and files it with the court.

SECTION 2.019.  Article 38.141(c), Code of Criminal Procedure, is amended to read as follows:

(c)  In this article, "peace officer" means a person listed in Article 2A.001 [~~2.12~~], and "special investigator" means a person listed in Article 2A.002 [~~2.122~~].

SECTION 2.020.  Section 9, Article 38.22, Code of Criminal Procedure, is amended to read as follows:

Sec. 9.  Notwithstanding any other provision of this article, no oral, sign language, or written statement that is made by a person accused of an offense listed in Article 2B.0202(a) [~~2.32(b)~~] and made as a result of a custodial interrogation occurring in a place of detention, as [~~that term is~~] defined by Article 2B.0201 [~~2.32~~], is admissible against the accused in a criminal proceeding unless:

(1)  an electronic recording was made of the statement, as required by Article 2B.0202(a) [~~2.32(b)~~]; or

(2)  the attorney representing the state offers proof satisfactory to the court that good cause, as described by Article 2B.0202(c) [~~2.32(d)~~], existed that made electronic recording of the custodial interrogation infeasible.

SECTION 2.021.  Article 38.43(e), Code of Criminal Procedure, is amended to read as follows:

(e)  To the extent of any conflict, this article controls over Article 2A.155 [~~2.21~~].

SECTION 2.022.  Article 38.50(f), Code of Criminal Procedure, is amended to read as follows:

(f)  To the extent of any conflict between this article and Article 2A.155 [~~2.21~~] or 38.43, this article controls.

SECTION 2.023.  Article 42.111, Code of Criminal Procedure, is amended to read as follows:

Art. 42.111.  DEFERRAL OF PROCEEDINGS IN CASES APPEALED TO COUNTY COURT. If a defendant convicted of a misdemeanor punishable by fine only appeals the conviction to a county court, on the trial in county court the defendant may enter a plea of guilty or nolo contendere to the offense. If the defendant enters a plea of guilty or nolo contendere, the court may defer further proceedings without entering an adjudication of guilt in the same manner as provided for the deferral of proceedings in justice court or municipal court under Subchapter G, Chapter 45A [~~Article 45.051 of this code~~]. This article does not apply to a misdemeanor case disposed of under Subchapter B, Chapter 543, Transportation Code, or a serious traffic violation as defined by Section 522.003, Transportation Code.

SECTION 2.024.  Articles 42.15(a-1), (d), and (f), Code of Criminal Procedure, are amended to read as follows:

(a-1)  Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.13, 27.14(a), or 27.16(a), a court shall inquire on the record whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the court determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the court shall determine whether the fine and costs should be:

(1)  subject to Subsection (c), required to be paid at some later date or in a specified portion at designated intervals;

(2)  discharged by performing community service under, as applicable, Article 43.09(f), 45A.254, 45A.459, or 45A.460 [~~Article 45.049, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011~~];

(3)  waived in full or in part under Article 43.091 or 45A.257 [~~45.0491~~]; or

(4)  satisfied through any combination of methods under Subdivisions (1)-(3).

(d)  A judge may allow a defendant who is a child, as defined by Article 45A.453(a) [~~45.058(h)~~], to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

(1)  performing community service or receiving tutoring under Article 45A.460 [~~45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011~~]; or

(2)  paying the fine and costs in a manner described by Subsection (b).

(f)  The requirement under Article 45A.460(a) [~~45.0492(a), as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011,~~] that an offense occur in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense does not apply to the performance of community service or the receipt of tutoring to discharge a fine or costs under Subsection (d)(1).

SECTION 2.025.  Article 42A.655(f), Code of Criminal Procedure, is amended to read as follows:

(f)  Notwithstanding any other law, if the court determines under this article at any time during a defendant's period of community supervision, including deferred adjudication community supervision, that the defendant does not have sufficient resources or income to make a payment included under Subsection (b), the court shall determine whether all or a portion of the payment should be:

(1)  required to be paid at a later date or in a specified portion at designated intervals;

(2)  waived completely or partially under Article 43.091 or 45A.257 [~~45.0491~~];

(3)  discharged by performing community service under Article 42A.304 or 45A.254 [~~45.049~~], as applicable; or

(4)  satisfied through any combination of methods under Subdivisions (1)-(3).

SECTION 2.026.  Article 43.03(e), Code of Criminal Procedure, is amended to read as follows:

(e)  This article does not apply to a court governed by Chapter 45A [~~45~~].

SECTION 2.027.  Article 43.09(n), Code of Criminal Procedure, is amended to read as follows:

(n)  This article does not apply to a court governed by Chapter 45A [~~45~~].

SECTION 2.028.  Articles 43.091(a) and (c), Code of Criminal Procedure, are amended to read as follows:

(a)  A court may waive payment of all or part of a fine imposed on a defendant if the court determines that:

(1)  the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or was, at the time the offense was committed, a child as defined by Article 45A.453(a) [~~45.058(h)~~]; and

(2)  each alternative method of discharging the fine under Article 43.09 or 42.15 would impose an undue hardship on the defendant.

(c)  A court may waive payment of all or part of the costs imposed on a defendant if the court determines that the defendant:

(1)  is indigent or does not have sufficient resources or income to pay all or part of the costs; or

(2)  was, at the time the offense was committed, a child as defined by Article 45A.453(a) [~~45.058(h)~~].

SECTION 2.029.  Article 44.2811, Code of Criminal Procedure, is amended to read as follows:

Art. 44.2811.  RECORDS RELATING TO CERTAIN FINE-ONLY MISDEMEANORS COMMITTED BY A CHILD. All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a criminal case for a fine-only misdemeanor, other than a traffic offense, that is committed by a child and that is appealed are confidential and may not be disclosed to the public except as provided under Article 45A.462(c) [~~45.0217(b)~~].

SECTION 2.030.  Article 44.2812(a), Code of Criminal Procedure, is amended to read as follows:

(a)  Except as provided by Subsection (b) and Article 45A.055(b) [~~45.0218(b)~~], following the fifth anniversary of the date of a final conviction of, or of a dismissal after deferral of disposition for, a misdemeanor offense punishable by fine only, all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, that are held or stored by or for an appellate court and relate to the person who was convicted of, or who received a dismissal after deferral of disposition for, the offense are confidential and may not be disclosed to the public.

SECTION 2.031.  Article 46C.155(b), Code of Criminal Procedure, is amended to read as follows:

(b)  A defendant who is found not guilty by reason of insanity is not considered to be acquitted for purposes of Chapter 55A [~~55~~].

SECTION 2.032.  Article 56B.251, Code of Criminal Procedure, is amended to read as follows:

Art. 56B.251.  DEFINITION. In this subchapter, "peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2A.001 [~~2.12~~] or other law. The term includes a former peace officer who is entitled to receive payments under this subchapter because of an injury suffered while performing duties as a peace officer.

SECTION 2.033.  Article 59.06(c-1), Code of Criminal Procedure, is amended to read as follows:

(c-1)  Notwithstanding Subsection (a), the attorney representing the state and special rangers of the Texas and Southwestern Cattle Raisers Association who meet the requirements of Article 2A.006 [~~2.125~~] may enter into a local agreement that allows the attorney representing the state to transfer proceeds from the sale of forfeited property described by Subsection (c), after the deduction of court costs as described by that subsection, to a special fund established for the special rangers. Proceeds transferred under this subsection must be used by the special rangers solely for law enforcement purposes. Any expenditures of the proceeds are subject to the audit provisions established under this article.

SECTION 2.034.  Article 66.105(a), Code of Criminal Procedure, is amended to read as follows:

(a)  On receipt of information from a local law enforcement agency under Article 2A.061 [~~2.28~~], the Department of Public Safety shall:

(1)  provide the notice described by Article 2A.061(1) [~~2.28(1)~~] to the person whose identity was misused, if the local law enforcement agency was unable to notify the person under that subdivision;

(2)  take action to ensure that the information maintained in the computerized criminal history system reflects the use of the person's identity as a stolen alias; and

(3)  notify the Texas Department of Criminal Justice that the person's identifying information may have been falsely used by an inmate in the custody of the Texas Department of Criminal Justice.

SECTION 2.035.  Articles 102.006(a-1), (b), and (b-1), Code of Criminal Procedure, are amended to read as follows:

(a-1)  In addition to any other fees required by other law and except as provided by Subsection (b), a petitioner seeking expunction of a criminal record in a justice court or a municipal court of record under Chapter 55A [~~55~~] shall pay a fee of $100 for filing an ex parte petition for expunction to defray the cost of notifying state agencies of orders of expunction under that chapter.

(b)  The fees under Subsection (a) or the fee under Subsection (a-1), as applicable, shall be waived if the petitioner seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted, other than an acquittal for an offense described by Article 55A.151 [~~55.01(c)~~], and the petition for expunction is filed not later than the 30th day after the date of the acquittal.

(b-1)  The fees under Subsection (a) shall be waived if the petitioner is entitled to expunction:

(1)  under Article 55A.053(a)(2)(A) [~~55.01(a)(2)(A)(ii)(a)~~] after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law; or

(2)  under Article 55A.053(a)(2)(B) [~~55.01(a)(2)(A)(ii)(b)~~] after successful completion of a mental health court program created under Chapter 125, Government Code, or former law.

SECTION 2.036.  Section 25.091(c)(2), Education Code, is amended to read as follows:

(2)  "Peace officer" has the meaning assigned by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.037.  Section 25.093(c-1), Education Code, is amended to read as follows:

(c-1)  Each day the child remains out of school may constitute a separate offense. Two or more offenses under Subsection (a) may be consolidated and prosecuted in a single action. If the court orders deferred disposition under Subchapter G, Chapter 45A [~~Article 45.051~~], Code of Criminal Procedure, the court may require the defendant to provide personal services to a charitable or educational institution as a condition of the deferral.

SECTION 2.038.  Section 25.0952, Education Code, is amended to read as follows:

Sec. 25.0952.  PROCEDURES APPLICABLE TO PARENT CONTRIBUTING TO NONATTENDANCE OFFENSE.  In a proceeding based on a complaint under Section 25.093, the court shall, except as otherwise provided by this chapter, use the procedures and exercise the powers authorized by Chapter 45A [~~45~~], Code of Criminal Procedure.

SECTION 2.039.  Section 37.081(b), Education Code, is amended to read as follows:

(b)  In a peace officer's jurisdiction, a peace officer commissioned under this section:

(1)  has the powers, privileges, and immunities of peace officers;

(2)  may enforce all laws, including municipal ordinances, county ordinances, and state laws;

(3)  may, in accordance with Chapter 52, Family Code, or Article 45A.453 [~~45.058~~], Code of Criminal Procedure, take a child into custody; and

(4)  may dispose of cases in accordance with Section 52.03 or 52.031, Family Code.

SECTION 2.040.  Section 37.146, Education Code, is amended to read as follows:

Sec. 37.146.  REQUISITES OF COMPLAINT. (a) A complaint alleging the commission of a school offense must, in addition to the requirements imposed by Article 45A.101 [~~45.019~~], Code of Criminal Procedure:

(1)  be sworn to by a person who has personal knowledge of the underlying facts giving rise to probable cause to believe that an offense has been committed; and

(2)  be accompanied by a statement from a school employee stating:

(A)  whether the child is eligible for or receives special services under Subchapter A, Chapter 29; and

(B)  the graduated sanctions, if required under Section 37.144, that were imposed on the child before the complaint was filed.

(b)  After a complaint has been filed under this subchapter, a summons may be issued under Articles 23.04 and 45A.457(e) [~~45.057(e)~~], Code of Criminal Procedure.

(c)  A complaint under this subchapter may include a recommendation by a school employee that the child attend a teen court program under Article 45A.401 [~~45.052~~], Code of Criminal Procedure, if the school employee believes attending a teen court program is in the best interest of the child.

SECTION 2.041.  Section 61.9951, Education Code, is amended to read as follows:

Sec. 61.9951.  DEFINITION.  In this subchapter, "peace officer" has the meaning assigned by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.042.  Section 1001.002(a), Education Code, is amended to read as follows:

(a)  An organization is exempt from this chapter if the organization:

(1)  has 50,000 or more members;

(2)  qualifies for a tax exemption under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(4) of that code; and

(3)  conducts for its members and other individuals who are at least 50 years of age a driving safety course that is not used for purposes of Subchapter H, Chapter 45A [~~Article 45.0511~~], Code of Criminal Procedure.

SECTION 2.043.  Section 1001.151(b), Education Code, is amended to read as follows:

(b)  The commission by rule shall establish a fee for:

(1)  an initial in-person driver education provider license and for each branch location;

(2)  an initial online driver education provider license;

(3)  an initial parent-taught driver education provider license;

(4)  an initial driving safety provider license;

(5)  the annual renewal for a driving safety provider, driver education provider, or branch location of an in-person driver education provider, except that the executive director may waive the fee if revenue generated by the issuance of course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Subchapter H, Chapter 45A [~~Article 45.0511~~], Code of Criminal Procedure;

(6)  a change of address of a driver education provider or driving safety provider; and

(7)  a change of name of:

(A)  a driver education provider or an owner of a driver education provider; or

(B)  a driving safety provider or an owner of a driving safety provider.

SECTION 2.044.  Section 1001.453(a), Education Code, is amended to read as follows:

(a)  A person may not distribute within 500 feet of a court with jurisdiction over an offense to which Subchapter H, Chapter 45A [~~Article 45.0511~~], Code of Criminal Procedure, applies written information that advertises a driving safety provider.

SECTION 2.045.  Section 13.004(c), Election Code, is amended to read as follows:

(c)  The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

(1)  a social security number;

(2)  a Texas driver's license number;

(3)  a number of a personal identification card issued by the Department of Public Safety;

(4)  the residence address of the applicant, if the applicant is a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge, a family member of a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge, the spouse of a peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or an individual to whom Section 552.1175, Government Code, or Section 521.1211, Transportation Code, applies and the applicant:

(A)  included an affidavit with the registration application describing the applicant's status under this subdivision, if the applicant is a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge or a family member of a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge;

(B)  provided the registrar with an affidavit describing the applicant's status under this subdivision, if the applicant is a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge or a family member of a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge; or

(C)  provided the registrar with a completed form approved by the secretary of state for the purpose of notifying the registrar of the applicant's status under this subdivision;

(5)  the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence as defined by Section 71.004, Family Code, who provided the registrar with:

(A)  a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence;

(6)  the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons who provided the registrar with:

(A)  a copy of a protective order issued under Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons;

(7)  the residence address of the applicant, if the applicant:

(A)  is a participant in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure; and

(B)  provided the registrar with proof of certification under Article 58.059, Code of Criminal Procedure; or

(8)  the telephone number of any applicant submitting documentation under Subdivision (4), (5), (6), or (7).

SECTION 2.046.  Section 51.02(7), Family Code, is amended to read as follows:

(7)  "Law-enforcement officer" means a peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.047.  Section 51.08(d), Family Code, is amended to read as follows:

(d)  A court that has implemented a juvenile case manager program under Article 45A.451 [~~45.056~~], Code of Criminal Procedure, may, but is not required to, waive its original jurisdiction under Subsection (b)(1)(B).

SECTION 2.048.  Section 51.12(a), Family Code, is amended to read as follows:

(a)  Except as provided by Subsection (h), a child may be detained only in a:

(1)  juvenile processing office in compliance with Section 52.025;

(2)  place of nonsecure custody in compliance with Article 45A.453 [~~45.058~~], Code of Criminal Procedure;

(3)  certified juvenile detention facility that complies with the requirements of Subsection (f);

(4)  secure detention facility as provided by Subsection (j);

(5)  county jail or other facility as provided by Subsection (l); or

(6)  nonsecure correctional facility as provided by Subsection (j-1).

SECTION 2.049.  Section 65.017, Family Code, is amended to read as follows:

Sec. 65.017.  JUVENILE CASE MANAGERS. A truancy court may employ a juvenile case manager in accordance with Article 45A.451 [~~45.056~~], Code of Criminal Procedure, to provide services to children who have been referred to the truancy court or who are in jeopardy of being referred to the truancy court.

SECTION 2.050.  Sections 261.301(f) and (h), Family Code, are amended to read as follows:

(f)  An investigation of a report to the department that alleges that a child has been or may be the victim of conduct that constitutes a criminal offense that poses an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child shall be conducted jointly by a peace officer, as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, from the appropriate local law enforcement agency and the department or the agency responsible for conducting an investigation under Subchapter E.

(h)  The department and the appropriate local law enforcement agency shall conduct an investigation, other than an investigation under Subchapter E, as provided by this section and Article 2A.057 [~~2.27~~], Code of Criminal Procedure, if the investigation is of a report that alleges that a child has been or may be the victim of conduct that constitutes a criminal offense that poses an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child. Immediately on receipt of a report described by this subsection, the department shall notify the appropriate local law enforcement agency of the report.

SECTION 2.051.  Section 261.3023, Family Code, is amended to read as follows:

Sec. 261.3023.  LAW ENFORCEMENT RESPONSE TO CHILD SAFETY CHECK ALERT. If a law enforcement officer encounters a child or other person listed on the Texas Crime Information Center's child safety check alert list, the law enforcement officer shall follow the procedures described by Article 2A.056 [~~2.272~~], Code of Criminal Procedure.

SECTION 2.052.  Sections 261.3024(a) and (b), Family Code, are amended to read as follows:

(a)  A law enforcement officer who locates a child listed on the Texas Crime Information Center's child safety check alert list shall report that the child has been located in the manner prescribed by Article 2A.056 [~~2.272~~], Code of Criminal Procedure.

(b)  If the department locates a child who has been placed on the child safety check alert list established under Section 261.3022 through a means other than information reported to the department by a law enforcement officer under Article 2A.056 [~~2.272~~], Code of Criminal Procedure, the department shall report to the Texas Crime Information Center that the child has been located.

SECTION 2.053.  Section 264.302(e), Family Code, is amended to read as follows:

(e)  The department shall provide services for a child and the child's family if a contract to provide services under this section is available in the county and the child is referred to the department as an at-risk child by:

(1)  a juvenile court or probation department as part of a progressive sanctions program under Chapter 59;

(2)  a law enforcement officer or agency under Section 52.03; or

(3)  a justice or municipal court under Article 45A.457 [~~45.057~~], Code of Criminal Procedure.

SECTION 2.054.  Section 25.0732(z), Government Code, is amended to read as follows:

(z)  The County Criminal Courts No. 1, No. 2, No. 3, and No. 4 have the criminal jurisdiction provided by this section and other law for statutory county courts in El Paso County and appellate jurisdiction in appeals of criminal cases from justice courts and municipal courts in the county as provided by  Article 45A.202 [~~45.042~~], Code of Criminal Procedure. The County Criminal Court No. 4 shall give preference to cases prosecuted under:

(1)  Section 22.01, Penal Code, in which the victim is a person whose relationship to or association with the defendant is described under Chapter 71, Family Code; and

(2)  Section 25.07, Penal Code.

SECTION 2.055.  Section 25.2422(a), Government Code, is amended to read as follows:

(a)  In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Webb County has concurrent jurisdiction with the district court in:

(1)  family law cases and proceedings;

(2)  cases and proceedings involving justiciable controversies and differences between spouses, or between parents, or between parent and child, or between any of these and third persons; and

(3)  proceedings to expunge a criminal arrest record under Chapter 55A [~~55~~], Code of Criminal Procedure.

SECTION 2.056.  Section 30.00011, Government Code, is amended to read as follows:

Sec. 30.00011.  PROSECUTIONS. All prosecutions in municipal courts of record shall be conducted as provided by Article 45A.005 [~~45.03~~], Code of Criminal Procedure.

SECTION 2.057.  Section 30.00013(a), Government Code, is amended to read as follows:

(a)  Ordinances, rules, and procedures concerning a trial by a jury, including the summoning of jurors, must substantially conform to Chapter 45A [~~45~~], Code of Criminal Procedure.

SECTION 2.058.  Section 30.001845(a), Government Code, is amended to read as follows:

(a)  The governing body may appoint one or more magistrates in addition to magistrates provided under Article 2A.151 [~~2.09~~], Code of Criminal Procedure.

SECTION 2.059.  Section 30.004945(a), Government Code, is amended to read as follows:

(a)  The governing body may appoint one or more magistrates in addition to magistrates provided under Article 2A.151 [~~2.09~~], Code of Criminal Procedure.

SECTION 2.060.  Section 30.00635(a), Government Code, is amended to read as follows:

(a)  The governing body may appoint one or more magistrates in addition to magistrates provided under Article 2A.151 [~~2.09~~], Code of Criminal Procedure.

SECTION 2.061.  Section 30.01255(a), Government Code, is amended to read as follows:

(a)  The governing body may appoint one or more magistrates in addition to magistrates provided under Article 2A.151 [~~2.09~~], Code of Criminal Procedure.

SECTION 2.062.  Section 30.01542(a), Government Code, is amended to read as follows:

(a)  The governing body may appoint one or more magistrates in addition to magistrates provided under Article 2A.151 [~~2.09~~], Code of Criminal Procedure.

SECTION 2.063.  Section 51.1045(a), Government Code, is amended to read as follows:

(a)  In this section, "digital multimedia evidence" has the meaning assigned by Article 2A.153 [~~2.21~~], Code of Criminal Procedure.

SECTION 2.064.  Section 53.0071, Government Code, is amended to read as follows:

Sec. 53.0071.  BAILIFF AS PEACE OFFICER. Unless the appointing judge provides otherwise in the order of appointment, a bailiff appointed under Section 53.001(b), (g), (k), or (m) or 53.002(c), (e), or (f) is a "peace officer" for purposes of Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.065.  Section 54.1955(a), Government Code, is amended to read as follows:

(a)  Except as limited by an order of the county judge, a magistrate appointed under this subchapter may:

(1)  conduct hearings;

(2)  hear evidence;

(3)  issue summons for the appearance of witnesses;

(4)  examine witnesses;

(5)  swear witnesses for hearings;

(6)  recommend rulings or orders or a judgment in a case;

(7)  regulate proceedings in a hearing;

(8)  accept a plea of guilty or nolo contendere in a case alleging a violation of Section 25.093, Education Code, and assess a fine or court costs or order community service in satisfaction of a fine or costs in accordance with Article 45A.254 [~~45.049~~], Code of Criminal Procedure;

(9)  for a violation of Section 25.093, Education Code, enter an order suspending a sentence or deferring a final disposition that includes at least one of the requirements listed in Subchapter G, Chapter 45A [~~Article 45.051~~], Code of Criminal Procedure;

(10)  for an uncontested adjudication of truant conduct under Section 65.003, Family Code, accept a plea to the petition or a stipulation of evidence, and take any other action authorized under Chapter 65, Family Code; and

(11)  perform any act and take any measure necessary and proper for the efficient performance of the duties required by the referral order, including the entry of an order that includes at least one of the remedial options in Section 65.103, Family Code.

SECTION 2.066.  Section 54.2205(a), Government Code, is amended to read as follows:

(a)  The judge of a district court or county court at law or a justice of the peace may refer to a magistrate any case or matter relating to a case for proceedings involving:

(1)  a negotiated plea of guilty or no contest and sentencing before the court;

(2)  a bond forfeiture, remittitur, and related proceedings;

(3)  a pretrial motion;

(4)  a writ of habeas corpus;

(5)  an examining trial;

(6)  an occupational driver's license;

(7)  a petition for an order of expunction under Chapter 55A [~~55~~], Code of Criminal Procedure;

(8)  an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9)  a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10)  a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11)  setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12)  specialty court proceedings;

(13)  a waiver of extradition;

(14)  selection of a jury; and

(15)  any other matter the judge or justice of the peace considers necessary and proper.

SECTION 2.067.  Section 54.2405(a), Government Code, is amended to read as follows:

(a)  The judge of a district court or county court at law or a justice of the peace may refer to a magistrate any case or matter relating to a case for proceedings involving:

(1)  a negotiated plea of guilty or no contest and sentencing before the court;

(2)  a bond forfeiture, remittitur, and related proceedings;

(3)  a pretrial motion;

(4)  a writ of habeas corpus;

(5)  an examining trial;

(6)  an occupational driver's license;

(7)  a petition for an order of expunction under Chapter 55A [~~55~~], Code of Criminal Procedure;

(8)  an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9)  a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10)  a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11)  setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12)  specialty court proceedings;

(13)  a waiver of extradition;

(14)  selection of a jury; and

(15)  any other matter the judge or justice of the peace considers necessary and proper.

SECTION 2.068.  Section 54.2503(b), Government Code, is amended to read as follows:

(b)  The criminal law magistrate court has the jurisdiction provided by the constitution and laws of this state for magistrates. A judge of the criminal law magistrate court is a magistrate as [~~that term is~~] defined by Article 2A.151 [~~2.09~~], Code of Criminal Procedure.

SECTION 2.069.  Section 54.2606(a), Government Code, is amended to read as follows:

(a)  A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1)  a negotiated plea of guilty or no contest and sentencing before the court;

(2)  a bond forfeiture, remittitur, and related proceedings;

(3)  a pretrial motion;

(4)  a writ of habeas corpus;

(5)  an examining trial;

(6)  an occupational driver's license;

(7)  a petition for an order of expunction under Chapter 55A [~~55~~], Code of Criminal Procedure;

(8)  an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9)  a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10)  a motion to modify or revoke community supervision or to proceed with an adjudication of guilty;

(11)  setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12)  specialty court proceedings;

(13)  a waiver of extradition; and

(14)  any other matter the judge considers necessary and proper.

SECTION 2.070.  Section 54.656(a), Government Code, is amended to read as follows:

(a)  A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1)  a negotiated plea of guilty or no contest and sentencing before the court;

(2)  a bond forfeiture, remittitur, and related proceedings;

(3)  a pretrial motion;

(4)  a writ of habeas corpus;

(5)  an examining trial;

(6)  an occupational driver's license;

(7)  a petition for an order of expunction under Chapter 55A [~~55~~], Code of Criminal Procedure;

(8)  an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9)  a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10)  a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11)  setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12)  specialty court proceedings;

(13)  a waiver of extradition; and

(14)  any other matter the judge considers necessary and proper.

SECTION 2.071.  Section 54.733(c), Government Code, is amended to read as follows:

(c)  The criminal law magistrate court has the jurisdiction provided by the constitution and laws of this state for magistrates. A judge of the criminal law magistrate court is a magistrate as [~~that term is~~] defined by Article 2A.151 [~~Section 2.09~~], Code of Criminal Procedure.

SECTION 2.072.  Section 71.034(e), Government Code, is amended to read as follows:

(e)  In addition to the information described by Subsection (a), the council shall include in the report a summary of information provided to the council during the preceding year under Articles 2A.211 [~~2.211~~] and 2A.212 [~~2.212~~], Code of Criminal Procedure.

SECTION 2.073.  Section 71.0352, Government Code, is amended to read as follows:

Sec. 71.0352.  JUVENILE DATA: JUSTICE, MUNICIPAL, AND TRUANCY COURTS. As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System:

(1)  a justice court, municipal court, or truancy court shall report the number of cases filed for:

(A)  truant conduct under Section 65.003(a), Family Code;

(B)  the offense of parent contributing to nonattendance under Section 25.093, Education Code; and

(C)  a violation of a local daytime curfew ordinance adopted under Section 341.905 or 351.903, Local Government Code; and

(2)  in cases in which a child fails to obey an order of a justice court, municipal court, or truancy court under circumstances that would constitute contempt of court, the justice court, municipal court, or truancy court shall report the number of incidents in which the child is:

(A)  referred to the appropriate juvenile court for delinquent conduct as provided by Article 45A.461(c)(1) [~~45.050(c)(1)~~], Code of Criminal Procedure, or Section 65.251, Family Code; or

(B)  held in contempt, fined, or denied driving privileges as provided by Article 45A.461(c)(2) [~~45.050(c)(2)~~], Code of Criminal Procedure, or Section 65.251, Family Code.

SECTION 2.074.  Section 72.151(2), Government Code, is amended to read as follows:

(2)  "Peace officer" has the meaning assigned by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.075.  Section 75.404(g), Government Code, is amended to read as follows:

(g)  The justices of the peace in Harris County may adopt local rules:

(1)  that are consistent with Chapter 45A [~~45~~], Code of Criminal Procedure, and Part V, Texas Rules of Civil Procedure, for practice and procedure in the justice courts of Harris County; and

(2)  for practice and procedure in the small claims courts of Harris County.

SECTION 2.076.  Section 124.001(b), Government Code, is amended to read as follows:

(b)  If a defendant who was arrested for or charged with, but not convicted of or placed on deferred adjudication community supervision for, an offense successfully completes a veterans treatment court program, after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the veterans treatment court shall provide to the court in which the criminal case is pending information about the dismissal and shall include all of the information required about the defendant for a petition for expunction under Article 55A.253 [~~Section 2(b), Article 55.02~~], Code of Criminal Procedure. The court in which the criminal case is pending shall dismiss the case against the defendant and:

(1)  if that trial court is a district court, the court may, with the consent of the attorney representing the state, enter an order of expunction on behalf of the defendant under Article 55A.203(a) [~~Section 1a(a-1), Article 55.02~~], Code of Criminal Procedure; or

(2)  if that trial court is not a district court, the court may, with the consent of the attorney representing the state, forward the appropriate dismissal and expunction information to enable a district court with jurisdiction to enter an order of expunction on behalf of the defendant under Article 55A.203(a) [~~Section 1a(a-1), Article 55.02~~], Code of Criminal Procedure.

SECTION 2.077.  Section 125.001(b), Government Code, is amended to read as follows:

(b)  If a defendant successfully completes a mental health court program, after notice to the attorney representing the state and a hearing in the mental health court at which that court determines that a dismissal is in the best interest of justice, the mental health court shall provide to the court in which the criminal case is pending information about the dismissal and shall include all of the information required about the defendant for a petition for expunction under Article 55A.253 [~~Section 2(b), Article 55.02~~], Code of Criminal Procedure. The court in which the criminal case is pending shall dismiss the case against the defendant and:

(1)  if that trial court is a district court, the court may, with the consent of the attorney representing the state, enter an order of expunction on behalf of the defendant under Article 55A.203(b) [~~Section 1a(a-2), Article 55.02~~], Code of Criminal Procedure; or

(2)  if that trial court is not a district court, the court may, with the consent of the attorney representing the state, forward the appropriate dismissal and expunction information to enable a district court with jurisdiction to enter an order of expunction on behalf of the defendant under Article 55A.203(b) [~~Section 1a(a-2), Article 55.02~~], Code of Criminal Procedure.

SECTION 2.078.  Section 125.003(b), Government Code, is amended to read as follows:

(b)  The issues shall be handled by a magistrate, as designated by Article 2A.151 [~~2.09~~], Code of Criminal Procedure, who is part of a mental health court program established under Section 125.002.

SECTION 2.079.  Section 402.0241(b), Government Code, is amended to read as follows:

(b)  The attorney general shall defend a local entity in any action in any court if:

(1)  the executive head or governing body, as applicable, of the local entity requests the attorney general's assistance in the defense; and

(2)  the attorney general determines that the cause of action arises out of a claim involving the local entity's good-faith compliance with an immigration detainer request required by Article 2A.060 [~~2.251~~], Code of Criminal Procedure.

SECTION 2.080.  Section 402.028(c), Government Code, is amended to read as follows:

(c)  Nothing in this section shall prohibit an assistant attorney general from appointment as attorney pro tem under the provisions of Article 2A.104 [~~2.07~~], Code of Criminal Procedure.

SECTION 2.081.  Section 406.014(d), Government Code, is amended to read as follows:

(d)  A notary public who administers an oath pursuant to Article 45A.101 [~~45.019~~], Code of Criminal Procedure, is exempt from the requirement in Subsection (a) of this section of recording that oath.

SECTION 2.082.  Section 411.0207(b), Government Code, is amended to read as follows:

(b)  A public corruption unit is created within the department to investigate and assist in the management of allegations of participation in organized criminal activity by:

(1)  an individual elected, appointed, or employed to serve as a peace officer for a governmental entity of this state under Article 2A.001 [~~2.12~~], Code of Criminal Procedure; or

(2)  a federal law enforcement officer while performing duties in this state.

SECTION 2.083.  Section 411.0208(a), Government Code, is amended to read as follows:

(a)  The commission may provide for the establishment of a reserve officer corps consisting of retired or previously commissioned peace officers, as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, who retired or resigned in good standing.

SECTION 2.084.  Section 411.0253(d), Government Code, is amended to read as follows:

(d)  If an initial investigation by the public integrity unit demonstrates a reasonable suspicion that an offense against public administration occurred, the matter shall be referred to the prosecuting attorney of the county in which venue is proper under Section 411.0256 of this code or Chapter 13A [~~13~~], Code of Criminal Procedure, as applicable.

SECTION 2.085.  Section 411.0255(b-2), Government Code, is amended to read as follows:

(b-2)  The public integrity unit shall inform the judge of the court with jurisdiction over a complaint if the prosecuting attorney is disqualified for purposes of Article 2A.104 [~~2.07~~], Code of Criminal Procedure, because the prosecuting attorney is the subject of a criminal investigation under this subchapter based on credible evidence of criminal misconduct. On showing that the prosecuting attorney is the subject of the investigation, the judge shall order the prosecuting attorney disqualified under Article 2A.105 [~~2.08~~], Code of Criminal Procedure.

SECTION 2.086.  Section 411.0256, Government Code, is amended to read as follows:

Sec. 411.0256.  VENUE. Notwithstanding Chapter 13A [~~13~~], Code of Criminal Procedure, or other law, if the defendant is a natural person, venue for prosecution of an offense against public administration and lesser included offenses arising from the same transaction is the county in which the defendant resided at the time the offense was committed.

SECTION 2.087.  Section 411.0835, Government Code, is amended to read as follows:

Sec. 411.0835.  PROHIBITION AGAINST DISSEMINATION TO CERTAIN PRIVATE ENTITIES. If the department receives information indicating that a private entity that purchases criminal history record information from the department has been found by a court to have committed three or more violations of Section 552.1425 by compiling or disseminating information with respect to which an order of expunction has been issued under Subchapter E or F, Chapter 55A [~~Article 55.02~~], Code of Criminal Procedure, or an order of nondisclosure of criminal history record information has been issued under Subchapter E-1 of this chapter, the department may not release any criminal history record information to that entity until the first anniversary of the date of the most recent violation.

SECTION 2.088.  Section 411.0851(a), Government Code, is amended to read as follows:

(a)  A private entity that compiles and disseminates for compensation criminal history record information shall destroy and may not disseminate any information in the possession of the entity with respect to which the entity has received notice that:

(1)  an order of expunction has been issued under Subchapter E or F, Chapter 55A [~~Article 55.02~~], Code of Criminal Procedure; or

(2)  an order of nondisclosure of criminal history record information has been issued under Subchapter E-1 of this chapter.

SECTION 2.089.  Sections 411.151(a) and (b), Government Code, are amended to read as follows:

(a)  The director shall expunge a DNA record of an individual from a DNA database if the person:

(1)  notifies the director in writing that the DNA record has been ordered to be expunged under this section or Chapter 55A [~~55~~], Code of Criminal Procedure, and provides the director with a certified copy of the court order that expunges the DNA record; or

(2)  provides the director with a certified copy of a court order issued under Subchapter C-1, Chapter 58, Family Code, that seals the juvenile record of the adjudication that resulted in the DNA record.

(b)  A person may obtain [~~petition for~~] the expunction of a DNA record under the procedures established under Subchapter E or F, Chapter 55A [~~Article 55.02~~], Code of Criminal Procedure, as applicable, if the person is entitled to the expunction of records relating to the offense to which the DNA record is related under Subchapter A, B, or C, Chapter 55A [~~Article 55.01~~], Code of Criminal Procedure.

SECTION 2.090.  Section 411.199(a), Government Code, is amended to read as follows:

(a)  The following peace officers may apply for a license issued under this subchapter at any time after retirement:

(1)  a person who is licensed as a peace officer under Chapter 1701, Occupations Code, and who has been employed full-time as a peace officer by a law enforcement agency;

(2)  a railroad peace officer appointed by the director under Article 2A.005 [~~2.121~~], Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement; or

(3)  a special ranger of the Texas and Southwestern Cattle Raisers Association appointed by the director under Article 2A.006 [~~2.125~~], Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement.

SECTION 2.091.  Section 411.1991(a), Government Code, is amended to read as follows:

(a)  A person may apply for a license issued under this subchapter if the person is:

(1)  licensed as a peace officer under Chapter 1701, Occupations Code, and employed as a peace officer by a law enforcement agency;

(2)  a railroad peace officer appointed by the director under Article 2A.005 [~~2.121~~], Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement;

(3)  a special ranger of the Texas and Southwestern Cattle Raisers Association appointed by the director under Article 2A.006 [~~2.125~~], Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement; or

(4)  a member of the Texas military forces, excluding Texas State Guard members who are serving in the Texas Legislature.

SECTION 2.092.  Section 411.254(b), Government Code, is amended to read as follows:

(b)  The inspector general is not required to be a peace officer as [~~that term is~~] defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure. The commission or director may commission the inspector general as a commissioned peace officer of the department if the inspector general holds a permanent peace officer license issued under Chapter 1701, Occupations Code.

SECTION 2.093.  Section 411.441(3), Government Code, is amended to read as follows:

(3)  "Law enforcement officer" means a person who is a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or a person who is a federal law enforcement officer, as defined by 5 U.S.C. Section 8331(20).

SECTION 2.094.  Section 466.3011, Government Code, is amended to read as follows:

Sec. 466.3011.  VENUE. Venue is proper in Travis County or any county in which venue is proper under Chapter 13A [~~13~~], Code of Criminal Procedure, for:

(1)  an offense under this chapter;

(2)  an offense under the Penal Code, if the accused:

(A)  is a lottery operator, lottery vendor, sales agent, or employee of the division; and

(B)  is alleged to have committed the offense while engaged in lottery activities; or

(3)  an offense that involves property consisting of or including lottery tickets under Title 7 or 11, Penal Code.

SECTION 2.095.  Section 493.0251(b), Government Code, is amended to read as follows:

(b)  If the department receives a notification under Article 2A.110 [~~2.023~~], Code of Criminal Procedure, regarding the indictment of a defendant described by that article, the department shall, to the extent requested under Subsection (c), make a reasonable effort to provide notice of the offense charged in the indictment to each victim, guardian of a victim, or close relative of a deceased victim of an offense described by Article 2A.110(a) [~~2.023(a)~~], Code of Criminal Procedure, for which the defendant was previously imprisoned at a facility operated by or under contract with the department and subsequently released.

SECTION 2.096.  Section 531.1022(c), Government Code, is amended to read as follows:

(c)  A peace officer employed and commissioned by the office under this section is a peace officer for purposes of Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.097.  Section 552.117(a), Government Code, is amended to read as follows:

(a)  Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1)  a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;

(2)  a current or honorably retired peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or a current or honorably retired security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(3)  a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(4)  a peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5)  a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(6)  an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section 552.024 or 552.1175;

(7)  a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(8)  a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(9)  a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code, regardless of whether the current or former officer complies with Section 552.024 or 552.1175;

(10)  a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(11)  a current or former member of the United States Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary service of one of those branches of the armed forces, or the Texas military forces, as that term is defined by Section 437.001;

(12)  a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters, regardless of whether the current or former attorney complies with Section 552.024 or 552.1175;

(13)  a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(14)  a current or former employee of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(15)  a current or former federal judge or state judge, as those terms are defined by Section 1.005, Election Code, a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member of a current or former federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge;

(16)  a current or former child protective services caseworker, adult protective services caseworker, or investigator for the Department of Family and Protective Services, regardless of whether the caseworker or investigator complies with Section 552.024 or 552.1175, or a current or former employee of a department contractor performing child protective services caseworker, adult protective services caseworker, or investigator functions for the contractor on behalf of the department;

(17)  an elected public officer, regardless of whether the officer complies with Section 552.024 or 552.1175;

(18)  a current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender and the spouse or child of the current or former attorney or public defender, regardless of whether the person complies with Section 552.024 or 552.1175; or

(19)  a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code, regardless of whether the firefighter or volunteer firefighter or emergency medical services personnel comply with Section 552.024 or 552.1175, as applicable.

SECTION 2.098.  Section 552.1175(a), Government Code, is amended to read as follows:

(a)  This section applies only to:

(1)  current or honorably retired peace officers as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or special investigators as described by Article 2A.002 [~~2.122~~], Code of Criminal Procedure;

(2)  current or honorably retired county jailers as defined by Section 1701.001, Occupations Code;

(3)  current or former employees of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department;

(4)  commissioned security officers as defined by Section 1702.002, Occupations Code;

(5)  a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(5-a) a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(6)  officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b);

(7)  criminal investigators of the United States as described by Article 2A.002(a) [~~2.122(a)~~], Code of Criminal Procedure;

(8)  current or honorably retired police officers and inspectors of the United States Federal Protective Service;

(9)  current and former employees of the office of the attorney general who are or were assigned to a division of that office the duties of which involve law enforcement;

(10)  current or former juvenile probation and detention officers certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;

(11)  current or former employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;

(12)  current or former employees of the Texas Juvenile Justice Department or the predecessors in function of the department;

(13)  federal judges and state judges as defined by Section 1.005, Election Code;

(14)  current or former employees of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office;

(15)  a current or former member of the United States Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary service of one of those branches of the armed forces, or the Texas military forces, as that term is defined by Section 437.001;

(16)  a current or former child protective services caseworker, adult protective services caseworker, or investigator for the Department of Family and Protective Services or a current or former employee of a department contractor performing child protective services caseworker, adult protective services caseworker, or investigator functions for the contractor on behalf of the department;

(17)  an elected public officer;

(18)  a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code; and

(19)  a current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender.

SECTION 2.099.  Section 552.119(a), Government Code, is amended to read as follows:

(a)  A photograph that depicts a peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, the release of which would endanger the life or physical safety of the officer, is excepted from the requirements of Section 552.021 unless:

(1)  the officer is under indictment or charged with an offense by information;

(2)  the officer is a party in a civil service hearing or a case in arbitration; or

(3)  the photograph is introduced as evidence in a judicial proceeding.

SECTION 2.100.  Section 552.1425(a), Government Code, is amended to read as follows:

(a)  A private entity that compiles and disseminates for compensation criminal history record information may not compile or disseminate information with respect to which the entity has received notice that:

(1)  an order of expunction has been issued under Subchapter E or F, Chapter 55A [~~Article 55.02~~], Code of Criminal Procedure; or

(2)  an order of nondisclosure of criminal history record information has been issued under Subchapter E-1, Chapter 411.

SECTION 2.101.  Section 574.004, Government Code, is amended to read as follows:

Sec. 574.004.  ASSISTANCE BY ATTORNEY GENERAL. This chapter does not prevent the attorney general from providing assistance to district attorneys, criminal district attorneys, and county attorneys on request by allowing assistant attorneys general to serve as duly appointed and deputized assistant prosecutors, nor does this chapter prohibit the appointment of an assistant attorney general as an attorney pro tem pursuant to Article 2A.104 [~~2.07~~], Code of Criminal Procedure.

SECTION 2.102.  Section 602.002, Government Code, is amended to read as follows:

Sec. 602.002.  OATH MADE IN TEXAS. An oath made in this state may be administered and a certificate of the fact given by:

(1)  a judge, retired judge, or clerk of a municipal court;

(2)  a judge, retired judge, senior judge, clerk, or commissioner of a court of record;

(3)  a justice of the peace or a clerk of a justice court;

(4)  an associate judge, magistrate, master, referee, or criminal law hearing officer;

(5)  a notary public;

(6)  a member of a board or commission created by a law of this state, in a matter pertaining to a duty of the board or commission;

(7)  a person employed by the Texas Ethics Commission who has a duty related to a report required by Title 15, Election Code, in a matter pertaining to that duty;

(8)  a county tax assessor-collector or an employee of the county tax assessor-collector if the oath relates to a document that is required or authorized to be filed in the office of the county tax assessor-collector;

(9)  the secretary of state or a former secretary of state;

(10)  an employee of a personal bond office, or an employee of a county, who is employed to obtain information required to be obtained under oath if the oath is required or authorized by Article 17.04 or by Article 26.04(n) or (o), Code of Criminal Procedure;

(11)  the lieutenant governor or a former lieutenant governor;

(12)  the speaker of the house of representatives or a former speaker of the house of representatives;

(13)  the governor or a former governor;

(14)  a legislator or retired legislator;

(14-a)  the secretary of the senate or the chief clerk of the house of representatives;

(15)  the attorney general or a former attorney general;

(16)  the secretary or clerk of a municipality in a matter pertaining to the official business of the municipality;

(17)  a peace officer described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, if:

(A)  the oath is administered when the officer is engaged in the performance of the officer's duties; and

(B)  the administration of the oath relates to the officer's duties; or

(18)  a county treasurer.

SECTION 2.103.  Section 607.051(4), Government Code, is amended to read as follows:

(4)  "Peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law.

SECTION 2.104.  Section 612.005(a), Government Code, is amended to read as follows:

(a)  In this section, "law enforcement officer" means a peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law.

SECTION 2.105.  Section 614.001(3), Government Code, is amended to read as follows:

(3)  "Peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law.

SECTION 2.106.  Section 614.021(a), Government Code, is amended to read as follows:

(a)  Except as provided by Subsection (b), this subchapter applies only to a complaint against:

(1)  a law enforcement officer of the State of Texas, including an officer of the Department of Public Safety or of the Texas Alcoholic Beverage Commission;

(2)  a fire fighter who is employed by this state or a political subdivision of this state;

(3)  a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law who is appointed or employed by a political subdivision of this state; or

(4)  a detention officer or county jailer who is appointed or employed by a political subdivision of this state.

SECTION 2.107.  Section 614.061, Government Code, is amended to read as follows:

Sec. 614.061.  DEFINITION. In this subchapter, "peace officer" means a person who:

(1)  is elected, appointed, or employed by a governmental entity; and

(2)  is a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law.

SECTION 2.108.  Sections 614.121(1), (2), and (3), Government Code, are amended to read as follows:

(1)  "Full-time peace officer" means a person elected, employed, or appointed as a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law, who:

(A)  works as a peace officer on average at least 32 hours per week, exclusive of paid vacation; and

(B)  is compensated by this state or a political subdivision of this state at least at the federal minimum wage and is entitled to all employee benefits offered to a peace officer by the state or political subdivision.

(2)  "Honorably retired peace officer" means a former peace officer who:

(A)  previously served but is not currently serving as an elected, appointed, or employed peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law;

(B)  did not retire in lieu of any disciplinary action;

(C)  was eligible to retire from a law enforcement agency in this state or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the agency; and

(D)  is eligible to receive a pension or annuity for service as a law enforcement officer in this state or is ineligible to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees.

(3)  "Part-time peace officer" means a person elected, employed, or appointed as a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law, who:

(A)  works as a peace officer on average less than 32 hours per week, exclusive of paid vacation; and

(B)  is compensated by this state or a political subdivision of this state at least at the federal minimum wage and is entitled to all employee benefits offered to a peace officer by the state or political subdivision.

SECTION 2.109.  Section 615.003, Government Code, is amended to read as follows:

Sec. 615.003.  APPLICABILITY. This chapter applies only to eligible survivors of the following individuals:

(1)  an individual:

(A)  elected, appointed, or employed as a peace officer by the state or a political subdivision of the state under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law; or

(B)  employed as a peace officer by a private institution of higher education, including a private junior college, that is located in this state under Section 51.212, Education Code;

(2)  a paid probation officer appointed by the director of a community supervision and corrections department who has the duties set out in Section 76.002 and the qualifications set out in Section 76.005, or who was appointed in accordance with prior law;

(3)  a parole officer employed by the Texas Department of Criminal Justice who has the duties set out in Section 508.001 and the qualifications set out in Section 508.113 or in prior law;

(4)  a paid jailer;

(5)  a member of an organized police reserve or auxiliary unit who regularly assists peace officers in enforcing criminal laws;

(6)  a member of the class of employees of the correctional institutions division formally designated as custodial personnel under Section 615.006 by the Texas Board of Criminal Justice or its predecessor in function;

(7)  a jailer or guard of a county jail who is appointed by the sheriff and who:

(A)  performs a security, custodial, or supervisory function over the admittance, confinement, or discharge of prisoners; and

(B)  is certified by the Texas Commission on Law Enforcement;

(8)  a juvenile correctional employee of the Texas Juvenile Justice Department;

(9)  an employee of the Department of Aging and Disability Services or Department of State Health Services who:

(A)  works at the department's maximum security unit; or

(B)  performs on-site services for the Texas Department of Criminal Justice;

(10)  an individual who is employed by the state or a political or legal subdivision and is subject to certification by the Texas Commission on Fire Protection;

(11)  an individual employed by the state or a political or legal subdivision whose principal duties are aircraft crash and rescue fire fighting;

(12)  a member of an organized volunteer fire-fighting unit that:

(A)  renders fire-fighting services without remuneration; and

(B)  conducts a minimum of two drills each month, each two hours long;

(13)  an individual who:

(A)  performs emergency medical services or operates an ambulance;

(B)  is employed by a political subdivision of the state or is an emergency medical services volunteer as defined by Section 773.003, Health and Safety Code; and

(C)  is qualified as an emergency care attendant or at a higher level of training under Section 773.046, 773.047, 773.048, 773.049, or 773.0495, Health and Safety Code;

(14)  an individual who is employed or formally designated as a chaplain for:

(A)  an organized volunteer fire-fighting unit or other fire department of this state or of a political subdivision of this state;

(B)  a law enforcement agency of this state or of a political subdivision of this state; or

(C)  the Texas Department of Criminal Justice;

(15)  an individual who is employed by the state or a political subdivision of the state and who is considered by the governmental employer to be a trainee for a position otherwise described by this section;

(16)  an individual who is employed by the Department of Public Safety and, as certified by the director, is:

(A)  deployed into the field in direct support of a law enforcement operation, including patrol, investigative, search and rescue, crime scene, on-site communications, or special operations; and

(B)  given a special assignment in direct support of operations relating to organized crime, criminal interdiction, border security, counterterrorism, intelligence, traffic enforcement, emergency management, regulatory services, or special investigations; or

(17)  an individual who is employed by the Parks and Wildlife Department and, as certified by the executive director of the Parks and Wildlife Department, is:

(A)  deployed into the field in direct support of a law enforcement operation, including patrol, investigative, search and rescue, crime scene, on-site communications, or special operations; and

(B)  given a special assignment in direct support of operations relating to organized crime, criminal interdiction, border security, counterterrorism, intelligence, traffic enforcement, emergency management, regulatory services, or special investigations.

SECTION 2.110.  Section 615.102(a), Government Code, is amended to read as follows:

(a)  This section applies only to:

(1)  an individual listed in Section 615.003(1) who is employed by a political subdivision of the state;

(2)  a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law who is employed by the state, including any state agency or any institution of higher education under Section 61.003, Education Code; or

(3)  an individual listed in Section 615.003(7).

SECTION 2.111.  Section 615.103(a), Government Code, is amended to read as follows:

(a)  This section applies only to:

(1)  an individual listed in Section 615.003(1) who is employed by a political subdivision of the state;

(2)  a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law who is employed by the state, including any state agency or any institution of higher education under Section 61.003, Education Code;

(3)  an individual listed in Section 615.003(7); or

(4)  an individual listed in Section 615.003(10) or (11) who is employed by a political subdivision of the state.

SECTION 2.112.  Section 615.105(a), Government Code, is amended to read as follows:

(a)  This section applies only to:

(1)  an individual elected, appointed, or employed as a peace officer by the state or a political subdivision of the state under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law; or

(2)  an honorably retired peace officer who formerly held a position described by Subdivision (1) and voluntarily terminated employment with a law enforcement agency of this state or a political subdivision of this state.

SECTION 2.113.  Section 661.918(a), Government Code, is amended to read as follows:

(a)  This section applies to a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, who is commissioned as a law enforcement officer or agent, including a ranger, by:

(1)  the Public Safety Commission and the director of the Department of Public Safety;

(2)  the Parks and Wildlife Commission;

(3)  the Texas Alcoholic Beverage Commission;

(4)  the attorney general; or

(5)  the insurance fraud unit of the Texas Department of Insurance.

SECTION 2.114.  Section 662.005(b), Government Code, is amended to read as follows:

(b)  Except as provided by Section 662.010, and notwithstanding Section 659.015 or another law, a state employee who is a peace officer commissioned by a state officer or state agency listed under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or who is employed by the Department of Public Safety either to perform communications or dispatch services related to traffic law enforcement or as a public security officer, as that term is defined by Section 1701.001, Occupations Code, or who is employed by the Parks and Wildlife Department to perform communications and dispatch services to assist law enforcement officers commissioned by the Parks and Wildlife Commission in performing law enforcement duties, and who is required to work on a national or state holiday that falls on a Saturday or Sunday is entitled to compensatory time off at the rate of one hour for each hour worked on the holiday.

SECTION 2.115.  Sections 752.053(a) and (b), Government Code, are amended to read as follows:

(a)  A local entity or campus police department may not:

(1)  adopt, enforce, or endorse a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws;

(2)  as demonstrated by pattern or practice, prohibit or materially limit the enforcement of immigration laws; or

(3)  for an entity that is a law enforcement agency or for a department, as demonstrated by pattern or practice, intentionally violate Article 2A.060 [~~2.251~~], Code of Criminal Procedure.

(b)  In compliance with Subsection (a), a local entity or campus police department may not prohibit or materially limit a person who is a commissioned peace officer described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, a corrections officer, a booking clerk, a magistrate, or a district attorney, criminal district attorney, or other prosecuting attorney and who is employed by or otherwise under the direction or control of the entity or department from doing any of the following:

(1)  inquiring into the immigration status of a person under a lawful detention or under arrest;

(2)  with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest, including information regarding the person's place of birth:

(A)  sending the information to or requesting or receiving the information from United States Citizenship and Immigration Services, United States Immigration and Customs Enforcement, or another relevant federal agency;

(B)  maintaining the information; or

(C)  exchanging the information with another local entity or campus police department or a federal or state governmental entity;

(3)  assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or

(4)  permitting a federal immigration officer to enter and conduct enforcement activities at a jail to enforce federal immigration laws.

SECTION 2.116.  Section 752.057(a), Government Code, is amended to read as follows:

(a)  Each law enforcement agency that is subject to the requirements of this subchapter may adopt a written policy requiring the agency to perform community outreach activities to educate the public that a peace officer may not inquire into the immigration status of a victim of or witness to an alleged criminal offense unless, as provided by Article 2A.059 [~~2.13~~], Code of Criminal Procedure, the officer determines that the inquiry is necessary to:

(1)  investigate the offense; or

(2)  provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

SECTION 2.117.  Section 772.0074(a)(4), Government Code, is amended to read as follows:

(4)  "Peace officer" has the meaning assigned by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.118.  Section 2158.009(d), Government Code, is amended to read as follows:

(d)  Subsection (b) does not apply to a state agency's purchase of a vehicle to be used by a peace officer, as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, whose duties include the apprehension of persons for violation of a criminal law of this state.

SECTION 2.119.  Section 3105.003(a), Government Code, is amended to read as follows:

(a)  A person is eligible to have the person's name on the monument if the person was killed in the line of duty and was:

(1)  a law enforcement officer or peace officer for this state or a political subdivision of this state under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law;

(2)  a federal law enforcement officer or special agent performing duties in this state, including those officers under Article 2A.002 [~~2.122~~], Code of Criminal Procedure;

(3)  a corrections or detention officer or county or municipal jailer employed or appointed by a municipal, county, or state penal institution in this state; or

(4)  employed by this state or a political subdivision of this state and considered by the person's employer to be a trainee for a position described by Subdivision (1), (2), or (3).

SECTION 2.120.  Section 3106.001(3), Government Code, is amended to read as follows:

(3)  "Peace officer" means a peace officer commissioned by the state or a political subdivision of the state under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law.

SECTION 2.121.  Section 81.003(4-b), Health and Safety Code, is amended to read as follows:

(4-b)  "Peace officer" has the meaning assigned by Article 2A.001 [~~2.12~~], Code of Criminal Procedure. The term includes a sheriff or constable.

SECTION 2.122.  Section 382.018(g), Health and Safety Code, is amended to read as follows:

(g)  Notwithstanding Section 7.002, Water Code, the provisions of this section and rules adopted under this section may be enforced by a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.123.  Section 436.102(b), Health and Safety Code, is amended to read as follows:

(b)  A molluscan shellfish plant operator may employ an off-duty peace officer to monitor the gathering of shellfish for depuration from a restricted or conditionally restricted area as provided by the rules adopted under Subsection (a). In this subsection, "peace officer" includes those persons listed in Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.124.  Section 552.101, Health and Safety Code, is amended to read as follows:

Sec. 552.101.  ASSISTING LAW ENFORCEMENT AGENCIES WITH CERTAIN INVESTIGATIONS. The inspector general shall employ and commission peace officers for the purpose of assisting a state or local law enforcement agency in the investigation of an alleged criminal offense involving a patient of a state hospital. A peace officer employed and commissioned by the inspector general is a peace officer for purposes of Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.125.  Section 555.101, Health and Safety Code, is amended to read as follows:

Sec. 555.101.  ASSISTING LAW ENFORCEMENT AGENCIES WITH CERTAIN INVESTIGATIONS. The inspector general shall employ and commission peace officers for the purpose of assisting a state or local law enforcement agency in the investigation of an alleged criminal offense involving a resident or client of a center. A peace officer employed and commissioned by the inspector general is a peace officer for purposes of Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.126.  Section 821.0211, Health and Safety Code, is amended to read as follows:

Sec. 821.0211.  ADDITIONAL DEFINITION. In this subchapter, "magistrate" means any officer as defined in Article 2A.151 [~~2.09~~], Code of Criminal Procedure, except that the term does not include justices of the supreme court, judges of the court of criminal appeals, or courts of appeals, judges or associate judges of statutory probate courts, or judges or associate judges of district courts that give preference to family law matters or family district courts under Subchapter D, Chapter 24, Government Code.

SECTION 2.127.  Section 31.045, Human Resources Code, is amended to read as follows:

Sec. 31.045.  PEACE OFFICERS. The commission's office of inspector general may employ and commission peace officers for the purpose of assisting the office in the investigation of fraud, waste, or abuse in the financial assistance program. A peace officer employed and commissioned by the office is a peace officer for purposes of Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.128.  Section 33.032, Human Resources Code, is amended to read as follows:

Sec. 33.032.  PEACE OFFICERS. The commission's office of inspector general may employ and commission peace officers for the purpose of assisting the office in the investigation of fraud, waste, or abuse in the supplemental nutrition assistance program. A peace officer employed and commissioned by the office is a peace officer for purposes of Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.129.  Section 242.102(d), Human Resources Code, is amended to read as follows:

(d)  The office of inspector general may employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Articles 2A.051 and 2A.059 [~~Article 2.13~~], Code of Criminal Procedure.

SECTION 2.130.  Section 501.001(5), Labor Code, is amended to read as follows:

(5)  "Employee" means a person who is:

(A)  in the service of the state pursuant to an election, appointment, or express oral or written contract of hire;

(B)  paid from state funds but whose duties require that the person work and frequently receive supervision in a political subdivision of the state;

(C)  a peace officer employed by a political subdivision, while the peace officer is exercising authority granted under:

(i)  Article 2A.001 [~~2.12~~], Code of Criminal Procedure; or

(ii)  Articles 14.03(d) and (g), Code of Criminal Procedure;

(D)  a member of the state military forces, as defined by Section 437.001, Government Code, who is engaged in authorized training or duty;

(E)  a Texas Task Force 1 member, as defined by Section 88.301, Education Code, who is activated by the Texas Division of Emergency Management or is injured during training sponsored or sanctioned by Texas Task Force 1; or

(F)  an intrastate fire mutual aid system team member or a regional incident management team member, as defined by Section 88.126, Education Code, who is activated by the Texas Division of Emergency Management or is injured during training sponsored or sanctioned by the Texas Division of Emergency Management on behalf of an intrastate fire mutual aid system team or a regional incident management team, as applicable.

SECTION 2.131.  Section 504.019(a)(1), Labor Code, is amended to read as follows:

(1)  "First responder" means an individual employed by a political subdivision of this state who is:

(A)  a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure;

(B)  a person licensed under Chapter 773, Health and Safety Code, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or

(C)  a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue.

SECTION 2.132.  Section 504.055(a), Labor Code, is amended to read as follows:

(a)  In this section, "first responder" means:

(1)  an individual employed by a political subdivision of this state who is:

(A)  a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure;

(B)  a person licensed under Chapter 773, Health and Safety Code, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or

(C)  a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue; or

(2)  an individual covered under Section 504.012(a) who is providing volunteer services to a political subdivision of this state as:

(A)  a volunteer firefighter, without regard to whether the volunteer firefighter is certified under Subchapter D, Chapter 419, Government Code; or

(B)  an emergency medical services volunteer, as defined by Section 773.003, Health and Safety Code.

SECTION 2.133.  Section 85.004(b), Local Government Code, is amended to read as follows:

(b)  A reserve deputy serves at the discretion of the sheriff and may be called into service if the sheriff considers it necessary to have additional officers to preserve the peace and enforce the law. The sheriff may authorize a reserve deputy who is a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, to carry a weapon or act as a peace officer at all times, regardless of whether the reserve deputy is engaged in the actual discharge of official duties, or may limit the authority of the reserve deputy to carry a weapon or act as a peace officer to only those times during which the reserve deputy is engaged in the actual discharge of official duties. A reserve deputy who is not a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, may act as a peace officer only during the actual discharge of official duties. A reserve deputy, regardless of whether the reserve deputy is a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, is not:

(1)  eligible for participation in any program provided by the county that is normally considered a financial benefit of full-time employment or for any pension fund created by statute for the benefit of full-time paid peace officers; or

(2)  exempt from Chapter 1702, Occupations Code.

SECTION 2.134.  Section 86.0021(a), Local Government Code, is amended to read as follows:

(a)  A person is not eligible to serve as constable unless:

(1)  the person is eligible to be licensed under Sections 1701.309 and 1701.312, Occupations Code, and:

(A)  has at least an associate's degree conferred by an institution of higher education accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;

(B)  is a special investigator under Article 2A.002(a) [~~2.122(a)~~], Code of Criminal Procedure; or

(C)  is an honorably retired peace officer or honorably retired federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupations Code; or

(2)  the person is an active or inactive licensed peace officer under Chapter 1701, Occupations Code.

SECTION 2.135.  Section 86.012(b), Local Government Code, is amended to read as follows:

(b)  A reserve deputy constable serves at the discretion of the constable and may be called into service at any time that the constable considers it necessary to have additional officers to preserve the peace and enforce the law. The constable may authorize a reserve deputy constable who is a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, to carry a weapon or act as a peace officer at all times, regardless of whether the reserve deputy constable is engaged in the actual discharge of official duties, or may limit the authority of the reserve deputy constable to carry a weapon or act as a peace officer to only those times during which the reserve deputy constable is engaged in the actual discharge of official duties. A reserve deputy constable who is not a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, may act as a peace officer only during the actual discharge of official duties. A reserve deputy constable, regardless of whether the reserve deputy constable is a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, is not:

(1)  eligible for participation in any program provided by the county that is normally considered a financial benefit of full-time employment or for any pension fund created by statute for the benefit of full-time paid peace officers; or

(2)  exempt from Chapter 1702, Occupations Code.

SECTION 2.136.  Section 134.156(a), Local Government Code, is amended to read as follows:

(a)  Money allocated under Section 134.103 to the local truancy prevention and diversion fund maintained in the county or municipal treasury as required by Section 134.151 may be used by a county or municipality to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45A.451 [~~45.056~~], Code of Criminal Procedure. If there is money in the fund after those costs are paid, subject to the direction of the governing body of the county or municipality and on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court.

SECTION 2.137.  Section 141.008(a-2), Local Government Code, is amended to read as follows:

(a-2)  The governing body shall make the payroll deduction described by Subsection (a) if:

(1)  requested in writing by employees who:

(A)  are peace officers as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure; and

(B)  are not members of a police department covered by a collective bargaining agreement or meet-and-confer agreement entered into under this code; and

(2)  the municipality permits deductions for purposes other than charity, health insurance, taxes, or other purposes for which the municipality is required by law to permit a deduction.

SECTION 2.138.  Section 142.004(a), Local Government Code, is amended to read as follows:

(a)  In this section, "peace officer" means a peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.139.  Section 142.052(1), Local Government Code, is amended to read as follows:

(1)  "Police officer" means a person who is a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law, and who is employed by a municipality.

SECTION 2.140.  Section 180.002(a), Local Government Code, is amended to read as follows:

(a)  In this section, "peace officer" has the meaning assigned by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.141.  Section 180.008(a)(5), Local Government Code, as added by Chapter 685 (H.B. 2073), Acts of the 87th Legislature, Regular Session, 2021, is amended to read as follows:

(5)  "Peace officer" means an individual described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, who is elected for, employed by, or appointed by a political subdivision.

SECTION 2.142.  Sections 341.012(f), (g), and (h), Local Government Code, are amended to read as follows:

(f)  A member of a reserve force who is not a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, may act as a peace officer only during the actual discharge of official duties.

(g)  An appointment to the reserve force must be approved by the governing body before the person appointed may carry a weapon or otherwise act as a peace officer. On approval of the appointment of a member who is not a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, the person appointed may carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer.

(h)  Reserve police officers may act only in a supplementary capacity to the regular police force and may not assume the full-time duties of regular police officers without complying with the requirements for regular police officers. On approval of the appointment of a member who is a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, the chief of police may authorize the person appointed to carry a weapon or act as a peace officer at all times, regardless of whether the person is engaged in the actual discharge of official duties, or may limit the authority of the person to carry a weapon or act as a peace officer to only those times during which the person is engaged in the actual discharge of official duties. A reserve police officer, regardless of whether the reserve police officer is a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, is not:

(1)  eligible for participation in any program provided by the governing body that is normally considered a financial benefit of full-time employment or for any pension fund created by statute for the benefit of full-time paid peace officers; or

(2)  exempt from Chapter 1702, Occupations Code.

SECTION 2.143.  Section 341.904(e), Local Government Code, is amended to read as follows:

(e)  It is an affirmative defense to prosecution under this section that:

(1)  the object was used or intended to be used exclusively for decorative purposes and:

(A)  the actor was not engaged in an activity involving police work or security work; or

(B)  the object was used only in an artistic or dramatic presentation;

(2)  the actor was engaged in the commercial manufacturing or commercial sales of the items described by Subsection (b);

(3)  the actor was a licensed peace officer who:

(A)  was on active duty discharging an official duty for an agency listed under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, and acting under the agency's direct supervision; and

(B)  was not privately employed as or hired on an individual or independent contractor basis as a patrolman, guard, watchman, flagman, or traffic conductor;

(4)  the police chief consented, after determining that consent would serve law enforcement interests in the municipality, to the actor's:

(A)  using or possessing a police identification item or other insignia of the municipal police department;

(B)  using, possessing, or wearing an item or insignia similar to a police identification item or insignia of the municipal police department; or

(C)  operating a vehicle similar to a patrol vehicle of the municipal police department; or

(5)  the actor prosecuted under this section for wearing a uniform wore a light blue uniform shirt in a municipality that uses a light blue uniform shirt with navy blue pocket flaps and epaulets for its police officers, if the actor's shirt did not have:

(A)  the contrasting navy blue pocket flaps or epaulets found on the municipal police officers' uniform shirts; and

(B)  a shoulder emblem similar in shape, color, or design to an emblem found on the municipal police officers' uniform shirts.

SECTION 2.144.  Section 351.903(b), Local Government Code, is amended to read as follows:

(b)  This authority includes the authority to:

(1)  establish the hours of the curfew, including different hours for different days of the week;

(2)  apply different curfew hours to different age groups of juveniles;

(3)  describe the kinds of conduct subject to the curfew;

(4)  determine the locations to which the curfew applies;

(5)  determine which persons incur liability if a violation of the curfew occurs;

(6)  prescribe procedures, in compliance with Article 45A.455 [~~45.059~~], Code of Criminal Procedure, a police officer must follow in enforcing the curfew; and

(7)  establish exemptions to the curfew, including but not limited to exemptions for times when there are no classes being conducted, for holidays, and for persons going to or from work.

SECTION 2.145.  Section 455.001(13), Occupations Code, is amended to read as follows:

(13)  "Peace officer" means a person who is a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.146.  Sections 1701.001(4) and (8), Occupations Code, are amended to read as follows:

(4)  "Peace officer" means a person elected, employed, or appointed as a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law.

(8)  "School marshal" means a person who:

(A)  is appointed to serve as a school marshal by:

(i)  the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code;

(ii)  the governing body of a private school under Section 37.0813, Education Code; or

(iii)  the governing board of a public junior college under Section 51.220, Education Code;

(B)  is licensed under Section 1701.260; and

(C)  has powers and duties described by Article 2A.008 [~~2.127~~], Code of Criminal Procedure.

SECTION 2.147.  Section 1701.164, Occupations Code, is amended to read as follows:

Sec. 1701.164.  COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2B.0055 [~~2.134~~], Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2B.0054 [~~2.133~~] of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2B.0055 [~~2.134~~], Code of Criminal Procedure.

SECTION 2.148.  Section 1701.260(a-1), Occupations Code, is amended to read as follows:

(a-1)  In this section, "private school" has the meaning assigned by Article 2A.008 [~~2.127~~], Code of Criminal Procedure.

SECTION 2.149.  Section 1701.3161(a), Occupations Code, is amended to read as follows:

(a)  In this section, "retired peace officer" means a person who served as a peace officer in this state who:

(1)  is not currently serving as an elected, appointed, or employed peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law;

(2)  was eligible to retire from a law enforcement agency in this state or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the law enforcement agency; and

(3)  is eligible to receive a pension or annuity for service as a law enforcement officer in this state or is ineligible to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees.

SECTION 2.150.  Section 1701.501(a), Occupations Code, is amended to read as follows:

(a)  Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

(1)  this chapter;

(2)  the reporting requirements provided by Articles 2B.0053 and 2B.0055 [~~2.132 and 2.134~~], Code of Criminal Procedure; or

(3)  a commission rule.

SECTION 2.151.  Section 1702.002(15), Occupations Code, is amended to read as follows:

(15)  "Peace officer" means a person who is a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.152.  Section 2308.002(8-a), Occupations Code, is amended to read as follows:

(8-a)  "Peace officer" means a person who is a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.153.  Sections 1.07(a)(36) and (46-b), Penal Code, are amended to read as follows:

(36)  "Peace officer" means a person elected, employed, or appointed as a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, Section 51.212 or 51.214, Education Code, or other law.

(46-b)  "Federal special investigator" means a person described by Article 2A.002 [~~2.122~~], Code of Criminal Procedure.

SECTION 2.154.  Section 8.08(d), Penal Code, is amended to read as follows:

(d)  In this section, "child" has the meaning assigned by Article 45A.453(a) [~~45.058(h)~~], Code of Criminal Procedure.

SECTION 2.155.  Section 9.54, Penal Code, is amended to read as follows:

Sec. 9.54.  LIMITATION ON USE OF FORCE BY DRONE. (a)  In this section:

(1)  "Autonomous drone" means a drone that operates autonomously through computer software or other programming.

(2)  "Drone" and "law enforcement agency" have the meanings assigned by Article 2B.0253 [~~2.33~~], Code of Criminal Procedure.

(b)  Notwithstanding any other law, the use of force, including deadly force, involving a drone is justified under this subchapter only if:

(1)  at the time the use of force occurred, the actor was employed by a law enforcement agency;

(2)  the use of force:

(A)  would have been justified under another provision of this subchapter; and

(B)  did not involve the use of deadly force by means of an autonomous drone; and

(3)  before the use of force occurred, the law enforcement agency employing the actor adopted and submitted to the Texas Commission on Law Enforcement a policy on the agency's use of force by means of a drone, as required by Article 2B.0253 [~~2.33~~], Code of Criminal Procedure, and the use of force conformed to the requirements of that policy.

SECTION 2.156.  Section 30.05(i), Penal Code, is amended to read as follows:

(i)  This section does not apply if:

(1)  the basis on which entry on the property or land or in the building was forbidden is that entry with a handgun or other weapon was forbidden; and

(2)  the actor at the time of the offense was a peace officer, including a commissioned peace officer of a recognized state, or a special investigator under Article 2A.002 [~~2.122~~], Code of Criminal Procedure, regardless of whether the peace officer or special investigator was engaged in the actual discharge of an official duty while carrying the weapon.

SECTION 2.157.  Section 46.15(a), Penal Code, is amended to read as follows:

(a)  Sections 46.02 and 46.03 do not apply to:

(1)  peace officers or special investigators under Article 2A.002 [~~2.122~~], Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2)  parole officers, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A)  engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B)  in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3)  community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A)  engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B)  authorized to carry a weapon under Section 76.0051, Government Code;

(4)  an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(5)  an honorably retired peace officer or other qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C, who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is an honorably retired peace officer or other qualified retired law enforcement officer;

(6)  the attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(7)  an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(8)  a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A)  licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; and

(B)  engaged in escorting the judicial officer;

(9)  a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code; or

(10)  a person who is volunteer emergency services personnel if the person is:

(A)  carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code; and

(B)  engaged in providing emergency services.

SECTION 2.158.  Section 50.01(2), Penal Code, is amended to read as follows:

(2)  "Law enforcement officer" means a person who is a peace officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or a person who is a federal law enforcement officer, as defined by 5 U.S.C. Section 8331(20).

SECTION 2.159.  Section 31.0391(b), Parks and Wildlife Code, is amended to read as follows:

(b)  This section does not apply to the release of information to:

(1)  a peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, who is acting in an official capacity; or

(2)  a state official or an official of a political subdivision of this state who requests the information for tax purposes.

SECTION 2.160.  Section 61.201(e), Parks and Wildlife Code, is amended to read as follows:

(e)  This section may be enforced by any peace officer listed in Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.161.  Section 62.014(n), Parks and Wildlife Code, is amended to read as follows:

(n)  The following persons are exempt from any requirement to complete a hunter education course under this section:

(1)  an honorably discharged veteran of the United States armed forces or a person who is on active duty as a member of the United States armed forces;

(2)  a person who is on active duty or has previously served as a member of the Texas Army National Guard, the Texas Air National Guard, or the Texas State Guard; or

(3)  a person who is serving or has previously served as a peace officer described by [~~Subdivision (1), (2), (3), or (4),~~] Article 2A.001(1), (2), (3), or (4) [~~2.12~~], Code of Criminal Procedure.

SECTION 2.162.  Section 62.082(d), Parks and Wildlife Code, is amended to read as follows:

(d)  Section 62.081 does not apply to:

(1)  an employee of the Lower Colorado River Authority;

(2)  a person authorized to hunt under Subsection (c);

(3)  a peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure; or

(4)  a person who:

(A)  possesses a handgun and a license issued under Subchapter H, Chapter 411, Government Code, to carry a handgun; or

(B)  under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shoots a handgun the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

SECTION 2.163.  Section 201.910(b), Transportation Code, is amended to read as follows:

(b)  As used in this section, "peace officer" means a person who was:

(1)  a law enforcement officer or peace officer for this state or a political subdivision of this state under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law; or

(2)  a federal law enforcement officer or special agent performing duties in this state, including those officers under Article 2A.002 [~~2.122~~], Code of Criminal Procedure.

SECTION 2.164.  Section 451.113(c), Transportation Code, is amended to read as follows:

(c)  Subsection (a) may be enforced by any peace officer listed in Article 2A.001 [~~2.12~~], Code of Criminal Procedure, in whose jurisdiction the offense is committed.

SECTION 2.165.  Section 472.022(f), Transportation Code, is amended to read as follows:

(f)  Subchapters G and H, Chapter 45A [~~Articles 45.051 and 45.0511~~], Code of Criminal Procedure, do not apply to an offense under this section committed in a construction or maintenance work zone when workers are present.

SECTION 2.166.  Section 502.452(c), Transportation Code, is amended to read as follows:

(c)  A peace officer listed in Article 2A.001 [~~2.12~~], Code of Criminal Procedure, may seize a motor vehicle displaying exempt license plates if the vehicle is:

(1)  operated on a public highway; and

(2)  not identified in the manner prescribed by Subsection (a) or (b), unless the vehicle is covered by Subsection (f).

SECTION 2.167.  Section 521.1211(a)(1), Transportation Code, is amended to read as follows:

(1)  "Peace officer" has the meaning assigned by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, except that the term includes a special investigator as defined by Article 2A.002 [~~2.122~~], Code of Criminal Procedure.

SECTION 2.168.  Section 521.126(d), Transportation Code, is amended to read as follows:

(d)  The prohibition provided by Subsection (b) does not apply to a person who accesses, uses, compiles, or maintains a database of the information for a law enforcement or governmental purpose, including:

(1)  an officer or employee of the department carrying out law enforcement or government purposes;

(2)  a peace officer, as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, acting in the officer's official capacity;

(3)  a license deputy, as defined by Section 12.702, Parks and Wildlife Code, issuing a license, stamp, tag, permit, or other similar item through use of a point-of-sale system under Section 12.703, Parks and Wildlife Code;

(4)  a person acting as authorized by Section 109.61, Alcoholic Beverage Code;

(5)  a person establishing the identity of a voter under Chapter 63, Election Code;

(6)  a person acting as authorized by Section 161.0825, Health and Safety Code; or

(7)  a person screening an individual who will work with or have access to children if the person is an employee or an agent of an employee of a public school district or an organization exempt from federal income tax under Section 501(c)(3), Internal Revenue Code of 1986, as amended, that sponsors a program for youth.

SECTION 2.169.  Section 521.3451(a), Transportation Code, is amended to read as follows:

(a)  The department shall suspend or deny the issuance of a driver's license or learner license on receipt of an order to suspend or deny the issuance of either license from a justice or municipal court under Article 45A.461 [~~45.050~~], Code of Criminal Procedure.

SECTION 2.170.  Section 521.453(c), Transportation Code, is amended to read as follows:

(c)  A peace officer listed in Article 2A.001 [~~2.12~~], Code of Criminal Procedure, may confiscate a document that:

(1)  is deceptively similar to a driver's license or personal identification certificate; and

(2)  does not display the statement required under Subsection (a).

SECTION 2.171.  Section 541.201(13-a), Transportation Code, is amended to read as follows:

(13-a)  "Police vehicle" means a vehicle used by a peace officer, as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, for law enforcement purposes that:

(A)  is owned or leased by a governmental entity;

(B)  is owned or leased by the police department of a private institution of higher education that commissions peace officers under Section 51.212, Education Code; or

(C)  is:

(i)  a private vehicle owned or leased by the peace officer; and

(ii)  approved for use for law enforcement purposes by the head of the law enforcement agency that employs the peace officer, or by that person's designee, provided that use of the private vehicle must, if applicable, comply with any rule adopted by the commissioners court of a county under Section 170.001, Local Government Code, and that the private vehicle may not be considered an authorized emergency vehicle for exemption purposes under Section 228.054, 284.070, 366.178, or 370.177 of this code [~~, Transportation Code,~~] unless the vehicle is marked.

SECTION 2.172.  Section 542.304(b), Transportation Code, is amended to read as follows:

(b)  The rules must provide that for the purposes of the provisions described in Subsection (a), moving violations:

(1)  include:

(A)  a violation of the traffic law of this state, another state, or a political subdivision of this or another state; and

(B)  an offense under Section 545.412; and

(2)  do not include:

(A)  an offense committed before September 1, 2003;

(B)  the offense of speeding when the person convicted was at the time of the offense driving less than 10 percent faster than the posted speed limit, unless the person committed the offense in a school crossing zone;

(C)  an offense adjudicated under Subchapter G or H, Chapter 45A [~~Article 45.051 or 45.0511~~], Code of Criminal Procedure; or

(D)  an offense under Section 545.4251.

SECTION 2.173.  Sections 542.402(b) and (b-2), Transportation Code, are amended to read as follows:

(b)  In each fiscal year, a municipality having a population of less than 5,000 may retain, from fines collected for violations of this title and fines collected under Article 45A.302 [~~45.051(a)~~], Code of Criminal Procedure, in cases in which a violation of this title is alleged, an amount equal to 30 percent of the municipality's revenue for the preceding fiscal year from all sources, other than federal funds and bond proceeds, as shown by the audit performed under Section 103.001, Local Government Code. After a municipality has retained that amount, the municipality shall send to the comptroller any portion of a fine collected that exceeds $1.

(b-2)  In each fiscal year, a county described by Subsection (b-1) may retain, from fines collected for violations of this title and from fines collected under Article 45A.302 [~~45.051(a)~~], Code of Criminal Procedure, in cases in which a violation of this title is alleged, an amount equal to 30 percent of the county's revenue for the preceding fiscal year from all sources, other than federal funds and bond proceeds, as shown by an audit performed under Chapter 115, Local Government Code. After a county has retained that amount, the county shall send to the comptroller any portion of a fine collected that exceeds $1.

SECTION 2.174.  Section 543.202(b), Transportation Code, is amended to read as follows:

(b)  The record must be made on a form or by a data processing method acceptable to the department and must include:

(1)  the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2)  the registration number of the vehicle involved;

(3)  whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4)  the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial learner's permit;

(5)  the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6)  whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7)  the plea, the judgment, whether the individual was adjudicated under Subchapter H, Chapter 45A [~~Article 45.0511~~], Code of Criminal Procedure, and whether bail was forfeited;

(8)  the date of conviction; and

(9)  the amount of the fine or forfeiture.

SECTION 2.175.  Section 543.204(a), Transportation Code, is amended to read as follows:

(a)  A justice of the peace or municipal judge who defers further proceedings and [~~,~~] suspends all or part of the imposition of the fine[~~, and places a defendant on probation~~] under Subchapter G, Chapter 45A [~~Article 45.051~~], Code of Criminal Procedure, or a county court judge who follows that procedure under Article 42.111, Code of Criminal Procedure, may not submit a written record to the department, except that if the justice or judge subsequently adjudicates the defendant's guilt, the justice or judge shall submit the record not later than the seventh day after the date on which the justice or judge adjudicates guilt.

SECTION 2.176.  Section 545.305(a), Transportation Code, is amended to read as follows:

(a)  A peace officer listed under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or a license and weight inspector of the department may remove or require the operator or a person in charge of a vehicle to move a vehicle from a highway if the vehicle:

(1)  is unattended on a bridge, viaduct, or causeway or in a tube or tunnel and the vehicle is obstructing traffic;

(2)  is unlawfully parked and blocking the entrance to a private driveway;

(3)  has been reported as stolen;

(4)  is identified as having been stolen in a warrant issued on the filing of a complaint;

(5)  is unattended and the officer has reasonable grounds to believe that the vehicle has been abandoned for longer than 48 hours;

(6)  is disabled so that normal operation is impossible or impractical and the owner or person in charge of the vehicle is:

(A)  incapacitated and unable to provide for the vehicle's removal or custody; or

(B)  not in the immediate vicinity of the vehicle;

(7)  is disabled so that normal operation is impossible or impractical and the owner or person in charge of the vehicle does not designate a particular towing or storage company;

(8)  is operated by a person an officer arrests for an alleged offense and the officer is required by law to take the person into custody; or

(9)  is, in the opinion of the officer, a hazard, interferes with a normal function of a governmental agency, or because of a catastrophe, emergency, or unusual circumstance is imperiled.

SECTION 2.177.  Section 601.053(a), Transportation Code, is amended to read as follows:

(a)  As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle on request shall provide to a peace officer, as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting:

(1)  a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;

(2)  a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;

(2-a)  an image displayed on a wireless communication device that includes the information required by Section 601.081 as provided by a liability insurer;

(3)  an insurance binder that confirms the operator is in compliance with this chapter;

(4)  a surety bond certificate issued under Section 601.121;

(5)  a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122;

(6)  a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or

(7)  a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the certificate.

SECTION 2.178.  Section 706.001(1), Transportation Code, is amended to read as follows:

(1)  "Complaint" means a notice of an offense as described by Article 27.14(d) or 45A.101 [~~45.019~~], Code of Criminal Procedure.

SECTION 2.179.  Sections 721.005(a) and (b), Transportation Code, are amended to read as follows:

(a)  The governing body of a municipality may exempt from the requirements of Section 721.004:

(1)  an automobile when used to perform an official duty by a:

(A)  police department;

(B)  magistrate as defined by Article 2A.151 [~~2.09~~], Code of Criminal Procedure;

(C)  medical examiner;

(D)  municipal code enforcement officer designated to enforce environmental criminal laws; or

(E)  municipal fire marshal or arson investigator; or

(2)  an automobile used by a municipal employee only when conducting an investigation involving suspected fraud or other mismanagement within the municipality.

(b)  The commissioners court of a county may exempt from the requirements of Section 721.004:

(1)  an automobile when used to perform an official duty by a:

(A)  police department;

(B)  sheriff's office;

(C)  constable's office;

(D)  criminal district attorney's office;

(E)  district attorney's office;

(F)  county attorney's office;

(G)  magistrate as defined by Article 2A.151 [~~2.09~~], Code of Criminal Procedure;

(H)  county fire marshal's office; or

(I)  medical examiner; or

(2)  a juvenile probation department vehicle used to transport children, when used to perform an official duty.

SECTION 2.180.  Section 25.025(a), Tax Code, is amended to read as follows:

(a)  This section applies only to:

(1)  a current or former peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, and the spouse or surviving spouse of the peace officer;

(2)  the adult child of a current peace officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure;

(3)  a current or honorably retired county jailer as defined by Section 1701.001, Occupations Code;

(4)  an employee of the Texas Department of Criminal Justice;

(5)  a commissioned security officer as defined by Section 1702.002, Occupations Code;

(6)  an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of family violence as defined by Section 71.004, Family Code, by providing:

(A)  a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of family violence;

(7)  an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons by providing:

(A)  a copy of a protective order issued under Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons;

(8)  a participant in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure, who provides proof of certification under Article 58.059, Code of Criminal Procedure;

(9)  a federal judge, a federal bankruptcy judge, a marshal of the United States Marshals Service, a state judge, or a family member of a federal judge, a federal bankruptcy judge, a marshal of the United States Marshals Service, or a state judge;

(10)  a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(11)  a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(12)  an officer or employee of a community supervision and corrections department established under Chapter 76, Government Code, who performs a duty described by Section 76.004(b) of that code;

(13)  a criminal investigator of the United States as described by Article 2A.002(a) [~~2.122(a)~~], Code of Criminal Procedure;

(14)  a current or honorably retired police officer or inspector of the United States Federal Protective Service;

(15)  a current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender and the spouse and child of the attorney or public defender;

(16)  a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement;

(17)  a medical examiner or person who performs forensic analysis or testing who is employed by this state or one or more political subdivisions of this state;

(18)  a current or former member of the United States armed forces who has served in an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat;

(19)  a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department;

(20)  a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;

(21)  a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;

(22)  a current or former employee of the Texas Civil Commitment Office or the predecessor in function of the office or a division of the office;

(23)  a current or former employee of a federal judge or state judge;

(24)  a current or former child protective services caseworker, adult protective services caseworker, or investigator for the Department of Family and Protective Services or a current or former employee of a department contractor performing child protective services caseworker, adult protective services caseworker, or investigator functions for the contractor on behalf of the department;

(25)  an elected public officer; and

(26)  a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code.

SECTION 2.181.  Section 7.193, Water Code, is amended to read as follows:

Sec. 7.193.  PEACE OFFICERS. For purposes of this subchapter, the authorized agents and employees of the Parks and Wildlife Department are peace officers. Those agents and employees are empowered to enforce this subchapter the same as any other peace officer and for that purpose have the powers and duties of peace officers assigned by Chapter 2A [~~2~~], Code of Criminal Procedure.

SECTION 2.182.  Section 7.203(b), Water Code, is amended to read as follows:

(b)  Before a peace officer, as that term is defined in Section 7.193 of this code or Chapter 2A [~~2~~], Code of Criminal Procedure, may refer any alleged criminal environmental violation by a person holding a permit issued by the commission or an employee of that person of this code, of the Health and Safety Code, or of any other statute, rule, order, permit, or other decision of the commission that is within the commission's jurisdiction to a prosecuting attorney for criminal prosecution, the peace officer shall notify the commission in writing of the alleged criminal environmental violation and include with the notification a report describing the facts and circumstances of the alleged criminal environmental violation. This section does not prohibit a peace officer from issuing a citation or making an arrest.

SECTION 2.183.  Section 60.077(b), Water Code, is amended to read as follows:

(b)  A peace officer employed or appointed by the commission has the same powers and duties as a peace officer described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

SECTION 2.184.  Sections 60.0775(f), (g), and (i), Water Code, are amended to read as follows:

(f)  A reserve force member who is not a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, may act as a peace officer only during the discharge of official duties. A reserve force member who is a peace officer under that article must hold a permanent peace officer license issued under Chapter 1701, Occupations Code.

(g)  The commission must approve an appointment to the reserve force before the person appointed may carry a weapon or otherwise act as a peace officer. On approval of the appointment of a person who is not a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, the person appointed may carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer. On approval of the appointment of a person who is a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, the chief of police may:

(1)  authorize the person appointed to carry a weapon or act as a peace officer at all times, regardless of whether the person is engaged in the discharge of official duties; or

(2)  limit the person's authority to carry a weapon or act as a peace officer to only those times during which the person is engaged in the discharge of official duties.

(i)  A reserve police officer, regardless of whether the reserve police officer is a peace officer as described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, is not:

(1)  eligible for participation in:

(A)  a program provided by the commission that is normally considered a financial benefit of full-time employment; or

(B)  a pension fund created by statute for the benefit of full-time paid peace officers; or

(2)  exempt from Chapter 1702, Occupations Code.

ARTICLE 3. REPEALER

SECTION 3.001.  REPEALER. The following laws are repealed:

(1)  Articles 2.01, 2.02, 2.021, 2.022, 2.023, 2.024, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.12, 2.121, 2.122, 2.123, 2.124, 2.125, 2.126, 2.127, 2.13, 2.1305, 2.131, 2.132, 2.133, 2.134, 2.136, 2.137, 2.138, 2.1385, 2.1386, 2.1387, 2.139, 2.1395, 2.13951, 2.1396, 2.1397, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.195, 2.20, 2.21, 2.211, 2.212, 2.22, 2.23, 2.25, 2.251, 2.27, 2.271, 2.272, 2.273, 2.28, 2.29, 2.295, 2.30, 2.305, and 2.32, Code of Criminal Procedure;

(2)  Article 2.03(a), Code of Criminal Procedure;

(3)  Article 2.31, Code of Criminal Procedure, as added by Chapters 176 (S.B. 604) and 1341 (S.B. 1233), Acts of the 82nd Legislature, Regular Session, 2011;

(4)  Article 2.33, Code of Criminal Procedure, as added by Chapters 534 (S.B. 69), 979 (S.B. 2212), and 1011 (H.B. 1758), Acts of the 87th Legislature, Regular Session, 2021;

(5)  Article 3.05, Code of Criminal Procedure;

(6)  Chapters 13, 31, 45, and 55, Code of Criminal Procedure; and

(7)  Subchapter N, Chapter 1701, Occupations Code.

ARTICLE 4. GENERAL MATTERS

SECTION 4.001.  This Act is enacted under Section 43, Article III, Texas Constitution. This Act is intended as a codification only, and no substantive change in the law is intended by this Act.

SECTION 4.002.  (a) Chapter 311, Government Code (Code Construction Act), applies to the construction of each provision in the Code of Criminal Procedure that is enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), in the same manner as to a code enacted under the continuing statutory revision program, except as otherwise expressly provided by the Code of Criminal Procedure.

(b)  A reference in a law to a statute or a part of a statute in the Code of Criminal Procedure enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), is considered to be a reference to the part of that code that revises that statute or part of that statute.

SECTION 4.003.  This Act takes effect January 1, 2025.