

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Moody

H.B. No. 4504

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

10 CHAPTER 2A. OFFICERS; POWERS AND DUTIES

11 SUBCHAPTER A. TYPES OF PEACE OFFICERS

12 Art. 2A.001. PEACE OFFICERS GENERALLY

13 Art. 2A.002. SPECIAL INVESTIGATORS

14 Art. 2A.003. PEACE OFFICERS COMMISSIONED BY TRIBAL  
15 COUNCIL

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

17 Art. 2A.005. RAILROAD PEACE OFFICERS

18 Art. 2A.006. SPECIAL RANGERS OF TEXAS AND SOUTHWESTERN  
19 CATTLE RAISERS ASSOCIATION

20 Art. 2A.007. ADJUNCT POLICE OFFICERS

21 Art. 2A.008. SCHOOL MARSHALS

- 1           SUBCHAPTER B. POWERS AND DUTIES OF PEACE OFFICERS AND LAW  
2                           ENFORCEMENT AGENCIES
- 3     Art. 2A.051.   GENERAL POWERS AND DUTIES OF PEACE  
4                           OFFICERS
- 5     Art. 2A.052.   CARRYING WEAPON ON CERTAIN PREMISES;  
6                           CIVIL PENALTY
- 7     Art. 2A.053.   SUMMONING AID
- 8     Art. 2A.054.   REFUSAL TO ASSIST PEACE OFFICER
- 9     Art. 2A.055.   FINE FOR FAILURE TO EXECUTE PROCESS
- 10    Art. 2A.056.   RESPONSE TO CHILD SAFETY CHECK ALERT
- 11    Art. 2A.057.   INVESTIGATION OF CERTAIN REPORTS ALLEGING  
12                           ABUSE, NEGLECT, OR EXPLOITATION
- 13    Art. 2A.058.   RELEASE OF CHILD BY LAW ENFORCEMENT  
14                           OFFICER
- 15    Art. 2A.059.   NATIONALITY OR IMMIGRATION STATUS INQUIRY
- 16    Art. 2A.060.   IMMIGRATION DETAINER REQUESTS
- 17    Art. 2A.061.   MISUSED IDENTITY NOTIFICATIONS
- 18    Art. 2A.062.   EDUCATION AND TRAINING ON EYEWITNESS  
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- 20    Art. 2A.063.   SHERIFF AS CONSERVATOR OF THE PEACE
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- 25    Art. 2A.066.   EXECUTION OF PROCESS BY COUNTY JAILER

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1 Art. 2A.213. CLERKS, STATE AGENCIES, AND ATTORNEYS  
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4 CHAPTER 2A. OFFICERS; POWERS AND DUTIES  
5 SUBCHAPTER A. TYPES OF PEACE OFFICERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17           (17) an officer commissioned by:

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

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

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

1                   (D) the board of hospital managers of the Lubbock  
2 County Hospital District of Lubbock County, Texas, under Section  
3 1053.113, Special District Local Laws Code;

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

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

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

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

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

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

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

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

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

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

27                   (28) an officer appointed by the inspector general of

1 the Texas Department of Criminal Justice under Section 493.019,  
2 Government Code;

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

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

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

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

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

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

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

24 (2) a special agent of the Secret Service;

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

27 (4) a special agent of the Bureau of Alcohol, Tobacco,



- 1 Firearms and Explosives;
- 2           (5) a special agent of the United States Drug
- 3 Enforcement Administration;
- 4           (6) an inspector of the United States Postal
- 5 Inspection Service;
- 6           (7) a special agent of the Criminal Investigation
- 7 Division of the Internal Revenue Service;
- 8           (8) a civilian special agent of the United States
- 9 Naval Criminal Investigative Service;
- 10           (9) a marshal or deputy marshal of the United States
- 11 Marshals Service;
- 12           (10) a special agent of the United States Department
- 13 of State, Bureau of Diplomatic Security;
- 14           (11) a special agent of the Treasury Inspector General
- 15 for Tax Administration;
- 16           (12) a special agent of the Office of Inspector
- 17 General of the United States Social Security Administration;
- 18           (13) a special agent of the Office of Inspector
- 19 General of the United States Department of Veterans Affairs;
- 20           (14) a special agent of the Office of Inspector
- 21 General of the United States Department of Agriculture;
- 22           (15) a special agent of the Office of Export
- 23 Enforcement of the United States Department of Commerce;
- 24           (16) a special agent of the Criminal Investigation
- 25 Command of the United States Army;
- 26           (17) a special agent of the Office of Special
- 27 Investigations of the United States Air Force; and

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

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

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

25          (d) A commissioned law enforcement officer of the National  
26 Park Service is not a peace officer under the laws of this state but  
27 has the powers of arrest, search, and seizure as to any offense

1 under the laws of this state committed in a national park or  
2 national recreation area. In this subsection, "national park or  
3 national recreation area" means a national park or national  
4 recreation area included in the National Park System as defined by  
5 54 U.S.C. Section 100102.

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

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

20 (g) In addition to the powers of arrest, search, and seizure  
21 under Subsection (a), a special agent of the Secret Service  
22 protecting or investigating a threat against a person described by  
23 18 U.S.C. Section 3056(a) has the powers of arrest, search, and  
24 seizure as to:

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

27 (2) any criminal offense under federal law. (Code

1 Crim. Proc., Art. 2.122.)

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

3 (a) The tribal council of the Alabama-Coushatta Tribe of Texas or  
4 of the Kickapoo Traditional Tribe of Texas may employ and  
5 commission peace officers to enforce state law within the  
6 respective tribe's reservation.

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

9 (1) within the tribe's reservation:

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

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

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

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

18 (B) is assisting another law enforcement agency.

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

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

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

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

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

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

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

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

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

20           (1) only:

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

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

27           (ii) returning the inmate or defendant from

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

4 (B) to the extent necessary to:

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

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

11 (2) only while the officer is:

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

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

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

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

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

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

27 (b) The director of the department may appoint not more than

1 250 railroad peace officers employed by a railroad company to aid  
2 law enforcement agencies in the protection of railroad property and  
3 the persons and property of railroad passengers and employees.

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

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

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

11 (B) damage to railroad property; or

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

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

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

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

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

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

27 (3) the executive director of the commission:

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

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

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

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

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

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

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

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

26           (l) A railroad peace officer who is a member of a railroad  
27 craft may not perform the duties of a member of any other railroad



1 craft during a strike or labor dispute.

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

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

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

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

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

15 (b) The director of the department may appoint not more than  
16 50 special rangers employed by the association to aid law  
17 enforcement agencies in the investigation of the theft of livestock  
18 or related property.

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

23 (d) A special ranger may not issue a traffic citation for a  
24 violation of Chapter 521, Transportation Code, or Subtitle C, Title  
25 7, Transportation Code.

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

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

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

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

7 (3) the executive director of the commission:

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

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

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

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

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

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

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

1 a special ranger.

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

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

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

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

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

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

27 (3) has all the rights, privileges, and immunities of

1 a peace officer but is not entitled to state compensation and  
2 retirement benefits normally provided by the state to a peace  
3 officer.

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

- 11 (1) is adjacent to the institution's campus;  
12 (2) does not extend more than one mile from the  
13 perimeter of the institution's campus; and  
14 (3) is inhabited primarily by students or employees of  
15 the institution.

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

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

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

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

1 by the municipality or county.

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

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

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

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

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

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

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

27 (3) is not a school whose students are home-schooled

1 students as defined by Section 29.916, Education Code.

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

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

6 (2) appointed by:

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

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

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

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

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

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

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

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

26 (2) act only as necessary to prevent or abate the  
27 commission of an offense that threatens serious bodily injury to or

1 the death of a student, faculty member, or visitor on school  
2 premises.

3 (d) A school marshal may not issue a traffic citation for a  
4 violation of Chapter 521, Transportation Code, or Subtitle C, Title  
5 7, Transportation Code.

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

9 SUBCHAPTER B. POWERS AND DUTIES OF PEACE OFFICERS AND LAW

10 ENFORCEMENT AGENCIES

11 Art. 2A.051. GENERAL POWERS AND DUTIES OF PEACE OFFICERS.

12 Each peace officer shall:

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

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

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

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

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

26 (6) take possession of a child under Article  
27 63.009(g); and

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

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

7           (1) "Establishment serving the public" means:

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

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

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

13                   (D) a sports venue; and

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

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

24           (b) An establishment serving the public may not prohibit or  
25 otherwise restrict a peace officer or special investigator from  
26 carrying on the establishment's premises a weapon that the officer  
27 or investigator is otherwise authorized to carry, regardless of



1 whether the officer or investigator is engaged in the actual  
2 discharge of the officer's or investigator's duties while carrying  
3 the weapon.

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

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

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

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

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

27 (b) The payment of a fine under Subsection (a) shall be

1 enforced in the same manner as a fine for contempt in a civil case.  
2 (Code Crim. Proc., Art. 2.16.)

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

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

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

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

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

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

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

27 (e) A peace officer who locates a child or other person

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

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

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

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

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

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

27 (d) On receipt of a report of abuse, neglect, exploitation,

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

7 Art. 2A.058. RELEASE OF CHILD BY LAW ENFORCEMENT OFFICER.

8 (a) A law enforcement officer who takes possession of a child under  
9 Section 262.104, Family Code, may release the child to:

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

14 (2) a juvenile probation department;

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

16 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Art. 2A.059. NATIONALITY OR IMMIGRATION STATUS INQUIRY.

27 (a) Subject to Subsection (b), in the course of investigating an

1 alleged criminal offense, a peace officer may inquire as to the  
2 nationality or immigration status of a victim of or witness to the  
3 offense only if the officer determines that the inquiry is  
4 necessary to:

5 (1) investigate the offense; or

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

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

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

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

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

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

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

26 (b) A law enforcement agency is not required to perform a  
27 duty imposed by Subsection (a) with respect to a person who has

1 provided proof that the person is a citizen of the United States or  
2 that the person has lawful immigration status in the United States,  
3 such as a Texas driver's license or similar government-issued  
4 identification. (Code Crim. Proc., Art. 2.251.)

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

11 (1) notify the person that:

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

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

17 (C) the person is entitled to expunction of  
18 information contained in criminal records and files under Chapter  
19 55A; and

20 (2) notify the Department of Public Safety regarding:

21 (A) the misuse of the identifying information;

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

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

27 Art. 2A.062. EDUCATION AND TRAINING ON EYEWITNESS

1 IDENTIFICATION. (a) In this article, "law enforcement agency"  
2 means an agency of the state or of a political subdivision of the  
3 state authorized by law to employ peace officers.

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

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

9 (2) practices for minimizing contamination; and

10 (3) effective eyewitness identification protocols.

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

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

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

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

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

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



1 a magistrate or court.

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

5 (1) was committed for want of bail; or

6 (2) was arrested in aailable case.

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

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

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

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

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

25 (2) a capias under Chapter 17 or 23;

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

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

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

- 6 (1) a warrant under Chapter 15, 17, or 18;  
7 (2) a capias under Chapter 17 or 23;  
8 (3) a subpoena under Chapter 20A or 24; or  
9 (4) an attachment under Chapter 20A or 24. (Code Crim.  
10 Proc., Art. 2.31, as added Acts 82nd Leg., R.S., Chs. 176, 1341.)

11 SUBCHAPTER C. ATTORNEYS REPRESENTING STATE

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

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

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

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

1 (1) notified of the proceeding; and

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

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

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

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

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

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

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

1           (2) an assistant attorney general.

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

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

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

18           (b) A district or county attorney may not:

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

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

24           (c) A judge of a court in which a district or county attorney  
25 represents the state shall declare the attorney disqualified for  
26 purposes of Article 2A.104 on a showing that the attorney is the  
27 subject of a criminal investigation by a law enforcement agency if

1 that investigation is based on credible evidence of criminal  
2 misconduct for an offense that is within the attorney's authority  
3 to prosecute. A disqualification under this subsection applies  
4 only to the attorney's access to the criminal investigation pending  
5 against the attorney and to any prosecution of a criminal charge  
6 resulting from that investigation. (Code Crim. Proc., Arts. 2.01  
7 (part), 2.08.)

8 Art. 2A.106. NEGLIGENCE OR FAILURE OF DUTY; VIOLATION OF LAW.

9 (a) An attorney representing the state shall present to the court  
10 with jurisdiction an information charging an officer with neglect  
11 or failure of duty if:

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

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

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

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

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

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

- 1 (1) reduce the complaint to writing;
- 2 (2) cause the complaint to be signed and sworn to by  
3 the complainant;
- 4 (3) attest the complaint; and
- 5 (4) as applicable:

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

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

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

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

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

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

26 (c) On request of a county or district attorney, the  
27 attorney general shall assist in the prosecution of an offense

1 described by Subsection (b). (Code Crim. Proc., Art. 2.021.)

2 Art. 2A.109. ASSISTANCE OF TEXAS RANGERS IN CERTAIN CASES.

3 The attorney representing the state may request the Texas Rangers  
4 division of the Department of Public Safety to provide assistance,  
5 including investigative, technical, and administrative assistance,  
6 to a local law enforcement agency investigating an offense that:

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

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

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

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

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

24 (b) Not later than the 10th day after the date that a  
25 defendant described by Subsection (a) is indicted for an offense  
26 listed in Article 42A.054(a), the attorney representing the state  
27 shall notify an officer designated by the Texas Department of

1 Criminal Justice of the offense charged in the indictment. (Code  
2 Crim. Proc., Art. 2.023.)

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

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

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

10 (b) An attorney representing the state shall track:

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

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

20 SUBCHAPTER D. MAGISTRATES AND CLERKS

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

23 (1) a justice of the supreme court;

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

25 (3) a justice of the courts of appeals;

26 (4) a judge of a district court;

27 (5) an associate judge appointed by:



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

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

7 (C) a judge of a district court under Chapter  
8 54A, Government Code;

9 (6) a criminal magistrate appointed by:

10 (A) the Brazoria County Commissioners Court; or

11 (B) the Burnet County Commissioners Court;

12 (7) a criminal law hearing officer for:

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

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

17 (8) a magistrate appointed:

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

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

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

26 (D) by the El Paso Council of Judges;

27 (E) by the Fort Bend County Commissioners Court;

1 (F) by the Collin County Commissioners Court; or  
2 (G) under Subchapter JJ, Chapter 54, Government  
3 Code;

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

7 (10) a county judge;

8 (11) a judge of:

9 (A) a statutory county court;

10 (B) a county criminal court; or

11 (C) a statutory probate court;

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

14 (13) a justice of the peace; and

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

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

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

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

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

26 Art. 2A.153. GENERAL DUTIES OF CLERKS. (a) In this  
27 article, "digital multimedia evidence" means evidence stored or

1 transmitted in a binary form and includes data representing  
2 documents, audio, video metadata, and any other information  
3 attached to a digital file.

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

6 (1) receive and file all papers;

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

9 (3) issue all process;

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

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

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

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

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

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

7                   (1) is not a firearm or contraband;

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

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

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

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

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

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

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

26           (c) Subject to Subsections (d), (e), and (f), a clerk may  
27 dispose of an eligible exhibit, including by delivery of the

1 exhibit to the county purchasing agent for disposal as surplus or  
2 salvage property under Section 263.152, Local Government Code, if  
3 on the date provided by Subsection (b) the clerk has not received a  
4 request for the exhibit from either the attorney representing the  
5 state in the case or the attorney representing the defendant.

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

10 (1) describe the exhibit;

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

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

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

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

23 (g) Notwithstanding Section 263.156, Local Government Code,  
24 or any other law, the commissioners court shall remit 50 percent of  
25 any proceeds of the disposal of an eligible exhibit as surplus or  
26 salvage property as described by Subsection (c), less the  
27 reasonable expense of keeping the exhibit before disposal and the

1 costs of that disposal, to each of the following:

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

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

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

15 (1) the sheriff; or

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

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

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

25 (2) dispose of the exhibits as provided by Chapter 18.  
26 (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

1 Code;

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

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

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

7 (b) A peace officer who investigates the alleged commission  
8 of an offense to which Subsection (a) applies shall prepare a  
9 written report that includes the information required under Article  
10 5.05(a).

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

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

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

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

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

25 (2) may report to the National Crime Information  
26 Center each warrant or capias issued for a defendant charged with a  
27 misdemeanor other than a Class C misdemeanor who fails to appear in



1 court when summoned. (Code Crim. Proc., Art. 2.195.)

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

6 (1) the name of each prisoner; and

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

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

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

16 (2) the Department of Public Safety.

17 (b) An entity to which this article applies that  
18 investigates the alleged commission of an offense under Chapter  
19 20A, Penal Code, or the alleged commission of an offense under  
20 Chapter 43, Penal Code, that may involve human trafficking, shall  
21 submit to the attorney general a report in the manner and form  
22 prescribed by the attorney general containing the following  
23 information:

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

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

- 1 (A) the person's:
- 2 (i) age;
- 3 (ii) gender; and
- 4 (iii) race or ethnicity, as defined by
- 5 Article 2B.0051; and
- 6 (B) the case number associated with the offense
- 7 and with the person suspected of committing the offense;
- 8 (3) the date, time, and location of the alleged
- 9 offense;
- 10 (4) the type of human trafficking involved, including:
- 11 (A) forced labor or services, as defined by
- 12 Section 20A.01, Penal Code;
- 13 (B) causing the victim by force, fraud, or
- 14 coercion to engage in prohibited conduct involving one or more
- 15 sexual activities, including conduct described by Section
- 16 20A.02(a)(3), Penal Code; or
- 17 (C) causing a child victim by any means to engage
- 18 in, or become the victim of, prohibited conduct involving one or
- 19 more sexual activities, including conduct described by Section
- 20 20A.02(a)(7), Penal Code;
- 21 (5) if available, information regarding any victims'
- 22 service organization or program to which the victim was referred as
- 23 part of the investigation; and
- 24 (6) the disposition of the investigation, if any,
- 25 regardless of the manner of disposition.
- 26 (c) An attorney representing the state who prosecutes the
- 27 alleged commission of an offense under Chapter 20A, Penal Code, or

1 the alleged commission of an offense under Chapter 43, Penal Code,  
2 that may involve human trafficking, shall submit to the attorney  
3 general the following information:

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

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

9 (3) the information described by Subsections (b)(2),  
10 (3), (4), and (5); and

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

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

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

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

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

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

25 (1) "Deadly weapon" means:

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

1 bodily injury; or

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

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

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

11 (1) the date the incident occurred;

12 (2) the location where the incident occurred;

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

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

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

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

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

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

27 (9) whether the incident occurred during or as a

1 result of:

2 (A) the execution of a warrant; or

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

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

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

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

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

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

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

27 Art. 2A.207. LAW ENFORCEMENT AGENCIES: REPORT FOR CERTAIN

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

7 (1) the date the incident occurred;

8 (2) the location where the incident occurred;

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

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

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

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

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

1 include:

- 2 (1) the total number of incidents that occurred;
- 3 (2) a summary of the reports submitted to the attorney  
4 general under this article; and
- 5 (3) a copy of each report submitted to the attorney  
6 general under this article. (Code Crim. Proc., Art. 2.1395.)

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

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

23 (c) Beginning on the day after the date of receiving notice  
24 under Subsection (a), a law enforcement agency that, in the  
25 five-year period preceding the date the agency received the notice,  
26 has been liable for a civil penalty under Subsection (b) or this  
27 subsection is liable for a civil penalty for each day the agency

1 fails to submit the required report. The amount of a civil penalty  
2 under this subsection is \$10,000 for the first day and \$1,000 for  
3 each additional day that the agency fails to submit the report.

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

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

10 Art. 2A.209. DUTIES OF LAW ENFORCEMENT AGENCY FILING CASE.

11 (a) In this article:

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

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

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



1 (c) If at any time after a case is filed with an attorney  
2 representing the state the law enforcement agency discovers or  
3 acquires any additional document, item, or information required to  
4 be disclosed to the defendant under Article 39.14, an agency  
5 employee shall promptly disclose the document, item, or information  
6 to the attorney representing the state. (Code Crim. Proc., Art.  
7 2.1397.)

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

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

14 (2) is an illegal criminal alien as defined by Section  
15 493.015, Government Code. (Code Crim. Proc., Art. 2.25.)

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

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

25 Art. 2A.212. CLERKS: WRIT OF ATTACHMENT REPORTING. Not  
26 later than the 30th day after the date a writ of attachment is  
27 issued in a district court, statutory county court, or county

1 court, the clerk of the court shall report to the Texas Judicial  
2 Council:

3 (1) the date the attachment was issued;

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

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

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

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

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

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

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

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

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

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

6           CHAPTER 2B. LAW ENFORCEMENT INTERACTIONS WITH PUBLIC

7                   SUBCHAPTER A. GENERAL PROVISIONS

8 Art. 2B.0001. DEFINITIONS

9                   SUBCHAPTER B. RACIAL PROFILING; MOTOR VEHICLE STOPS

10 Art. 2B.0051. DEFINITIONS

11 Art. 2B.0052. RACIAL PROFILING PROHIBITED

12 Art. 2B.0053. LAW ENFORCEMENT POLICY ON RACIAL  
13                   PROFILING

14 Art. 2B.0054. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS

15 Art. 2B.0055. COMPILATION AND ANALYSIS OF INFORMATION  
16                   COLLECTED

17 Art. 2B.0056. PRIMA FACIE EVIDENCE

18 Art. 2B.0057. LIABILITY

19 Art. 2B.0058. CIVIL PENALTY

20 Art. 2B.0059. RULES

21                   SUBCHAPTER C. BODY WORN CAMERA PROGRAM

22 Art. 2B.0101. DEFINITIONS

23 Art. 2B.0102. GRANTS FOR BODY WORN CAMERAS

24 Art. 2B.0103. GRANTS FOR BODY WORN CAMERA DATA STORAGE

25 Art. 2B.0104. REPORTING

26 Art. 2B.0105. INTERAGENCY OR INTERLOCAL CONTRACTS

27 Art. 2B.0106. BODY WORN CAMERA POLICY

- 1 Art. 2B.0107. TRAINING
- 2 Art. 2B.0108. RECORDING INTERACTIONS WITH PUBLIC
- 3 Art. 2B.0109. USE OF PERSONAL EQUIPMENT
- 4 Art. 2B.0110. OFFENSE
- 5 Art. 2B.0111. RECORDINGS AS EVIDENCE
- 6 Art. 2B.0112. RELEASE OF INFORMATION RECORDED BY BODY
- 7 WORN CAMERA
- 8 Art. 2B.0113. BODY WORN CAMERA RECORDINGS; REQUEST FOR
- 9 ATTORNEY GENERAL DECISION REGARDING
- 10 PUBLIC INFORMATION
- 11 Art. 2B.0114. PRODUCTION OF BODY WORN CAMERA RECORDING
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10 CHAPTER 2B. LAW ENFORCEMENT INTERACTIONS WITH PUBLIC

11 SUBCHAPTER A. GENERAL PROVISIONS

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

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

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

17 SUBCHAPTER B. RACIAL PROFILING; MOTOR VEHICLE STOPS

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

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

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

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

26 (A) Alaska native or American Indian;

27 (B) Asian or Pacific Islander;

- 1 (C) black;
- 2 (D) Hispanic or Latino; and
- 3 (E) white.

4 (4) "Racial profiling" means a law  
5 enforcement-initiated action based on an individual's race,  
6 ethnicity, or national origin rather than on the individual's  
7 behavior or on information identifying the individual as having  
8 engaged in criminal activity. (Code Crim. Proc., Arts.  
9 2.132(a)(2), (3), (b) (part), 2.133(a), (b) (part), 2.134(a),  
10 3.05.)

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

13 Art. 2B.0053. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

14 (a) In this article, "law enforcement agency" means an agency of  
15 this state, or of a county, municipality, or other political  
16 subdivision of this state, that employs peace officers who make  
17 motor vehicle stops in the routine performance of the officers'  
18 official duties.

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

21 (1) clearly define acts constituting racial  
22 profiling;

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

25 (3) implement a process by which an individual may  
26 file a complaint with the agency if the individual believes that a  
27 peace officer employed by the agency has engaged in racial

1 profiling with respect to the individual;

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

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

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

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

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

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

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

25                   (E) the location of the stop; and

26                   (F) the reason for the stop; and

27           (7) require the chief administrator of the agency,

1 regardless of whether the administrator is elected, employed, or  
2 appointed, to submit an annual report of the information collected  
3 under Subdivision (6) to:

4 (A) the commission; and

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

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

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

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

24 (f) The commission shall begin disciplinary procedures  
25 against the chief administrator of a law enforcement agency if the  
26 commission finds that the chief administrator intentionally failed  
27 to submit a report required under Subsection (b)(7). (Code Crim.



1 Proc., Arts. 2.132(a)(1), (b) (part), (e), (f), (g), (h).)

2 Art. 2B.0054. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

3 (a) A peace officer who makes a motor vehicle stop shall report to  
4 the law enforcement agency that employs the officer information  
5 relating to the stop, including:

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

9 (A) the individual's gender; and

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

14 (2) the initial reason for the stop;

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

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

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

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

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

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

27 (C) whether any contraband or other evidence was

1 discovered during the search and a description of the contraband or  
2 evidence;

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

5 (A) whether the arrest was based on:

6 (i) a violation of the Penal Code;

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

9 (iii) an outstanding warrant; and

10 (B) the offense charged;

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

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

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

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

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

27 (b) Not later than March 1 of each year, each law

1 enforcement agency shall submit a report containing the  
2 incident-based data compiled during the previous calendar year to:

- 3 (1) the commission; and  
4 (2) the governing body of each county or municipality  
5 served by the agency, if the law enforcement agency is a local law  
6 enforcement agency.

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

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

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

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

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

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

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

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

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

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

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

17           Art. 2B.0056. PRIMA FACIE EVIDENCE. The data collected as a  
18 result of the reporting requirements of Articles 2B.0053 and  
19 2B.0055 does not constitute prima facie evidence of racial  
20 profiling. (Code Crim. Proc., Arts. 2.132(c), 2.134(f).)

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

25           Art. 2B.0058. CIVIL PENALTY.       (a)       If the chief  
26 administrator of a local law enforcement agency intentionally fails  
27 to submit the incident-based data required by Article 2B.0055, the

1 agency is liable to the state for a civil penalty in an amount not to  
2 exceed \$5,000 for each violation. The attorney general may sue to  
3 collect a civil penalty under this subsection.

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

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

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

15 SUBCHAPTER C. BODY WORN CAMERA PROGRAM

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

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

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

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

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

26 (3) "Private space" means a location in which an  
27 individual has a reasonable expectation of privacy, including an

1 individual's home. (Occ. Code, Secs. 1701.651(1), (3); New.)

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

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

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

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

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

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

24 (e) The governor's office may conditionally award a grant to  
25 a law enforcement agency that has not adopted and implemented the  
26 policy under Article 2B.0106 or implemented the training required  
27 under Article 2B.0107. Money may not be disbursed to the law

1 enforcement agency until the agency fully complies with those  
2 articles. (Occ. Code, Sec. 1701.652.)

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

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

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

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

20 Art. 2B.0105. INTERAGENCY OR INTERLOCAL CONTRACTS. A law  
21 enforcement agency in this state may enter into an interagency or  
22 interlocal contract to receive body worn camera services and have  
23 the identified operations performed through a program established  
24 by the Department of Information Resources. (Occ. Code, Sec.  
25 1701.654.)

26 Art. 2B.0106. BODY WORN CAMERA POLICY. (a) A law  
27 enforcement agency that receives a grant to provide body worn

1 cameras to the agency's peace officers or that otherwise operates a  
2 body worn camera program shall adopt a policy for the use of body  
3 worn cameras.

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

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

11 (2) provisions relating to:

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

14 (B) storage of video and audio;

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

17 (D) maintenance of data security; and

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

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

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

26 (5) procedures for supervisory or internal review; and

27 (6) provisions for the handling and documenting of



1 equipment and malfunctions of equipment.

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

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

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

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

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

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

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

27 Art. 2B.0108. RECORDING INTERACTIONS WITH PUBLIC. (a) A

1 peace officer equipped with a body worn camera shall act in a manner  
2 that is consistent with the policy of the law enforcement agency  
3 that employs the officer with respect to when and under what  
4 circumstances a body worn camera must be activated.

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

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

13 (d) Any justification for failing to activate the body worn  
14 camera because it is unsafe, unrealistic, or impracticable must be  
15 based on whether a reasonable officer under the same or similar  
16 circumstances would have made the same decision. (Occ. Code, Sec.  
17 1701.657.)

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

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

25 (c) A peace officer who is employed by a law enforcement  
26 agency that has not received a grant described by this article or  
27 who has not otherwise been provided with a body worn camera by the

1 agency that employs the officer may operate a body worn camera that  
2 is privately owned only if permitted by the employing agency.

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

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

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

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

22 (b) A law enforcement agency may permit an individual who is  
23 depicted in a recording of an incident described by Subsection (a)  
24 or, if the individual is deceased, the individual's authorized  
25 representative, to view the recording, if the law enforcement  
26 agency determines that the viewing furthers a law enforcement  
27 purpose and any authorized representative who is permitted to view

1 the recording was not a witness to the incident. An individual  
2 viewing a recording under this subsection may not duplicate the  
3 recording or capture video or audio from the recording. A permitted  
4 viewing of a recording under this subsection is not considered to be  
5 a release of public information for purposes of Chapter 552,  
6 Government Code.

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

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

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

- 19 (1) the date and approximate time of the recording;  
20 (2) the specific location where the recording  
21 occurred; and  
22 (3) the name of one or more individuals known to be a  
23 subject of the recording.

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

27 (c) Except as provided by Subsection (d), information

1 recorded by a body worn camera and held by a law enforcement agency  
2 under this subchapter is not subject to Section 552.021, Government  
3 Code.

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

7 (e) A law enforcement agency may:

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

11 (2) assert any exception to disclosure under Chapter  
12 552, Government Code, or other law; or

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

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

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

1 the agency determines that waiver or reduction of the charge is in  
2 the public interest.

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

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

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

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

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

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

1 request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3           (2) equip peace officers with body worn cameras.

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

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

11           (2) smaller jurisdictions; and

12           (3) municipal and county law enforcement agencies.

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

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

25           (e) On receipt of money or video and audio equipment from  
26 the state for a purpose described by Subsection (a), the governing  
27 body of a county or municipality, in conjunction with the law

1 enforcement agency serving the county or municipality, shall  
2 certify to the department that the law enforcement agency:

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

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

7 Art. 2B.0153. RULES. The department may adopt rules to  
8 implement Articles 2B.0151 and 2B.0152. (Code Crim. Proc., Art.  
9 2.138.)

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

16 (1) the stop;

17 (2) the arrest;

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

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

23 SUBCHAPTER E. ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS

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

25 (1) "Electronic recording" means an audiovisual  
26 electronic recording, or an audio recording if an audiovisual  
27 electronic recording is unavailable, that is authentic, accurate,

1 and unaltered.

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

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

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

- 23 (1) Section 19.02 (murder);
- 24 (2) Section 19.03 (capital murder);
- 25 (3) Section 20.03 (kidnapping);
- 26 (4) Section 20.04 (aggravated kidnapping);
- 27 (5) Section 20A.02 (trafficking of persons);

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

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

5           (8) Section 21.11 (indecent with a child);

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

8           (10) Section 22.011 (sexual assault);

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

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

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

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

17           (2) continues until the time the interrogation ends.

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

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

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

25           (B) the peace officer or agent of the law  
26 enforcement agency conducting the interrogation attempted, in good  
27 faith, to record the individual's refusal but the individual was

1 unwilling to have the refusal recorded, and the peace officer or  
2 agent contemporaneously, in writing, documented the refusal;

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

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

10 (A) the recording equipment did not function;

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

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

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

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

24 Art. 2B.0203. PUBLIC DISCLOSURE. A recording of a  
25 custodial interrogation that complies with this subchapter is  
26 exempt from public disclosure as provided by Section 552.108,  
27 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.)

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

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

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

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

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

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

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

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

21 SUBCHAPTER G. DUTY TO REQUEST AND RENDER AID

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

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

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

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

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

10           (2) the officer is injured and physically unable to  
11 make the request or provide the treatment. (Code Crim. Proc., Art.  
12 2.33, as added Acts 87th Leg., R.S., Ch. 979.)

13                                   CHAPTER 13A. VENUE

14   SUBCHAPTER A. GENERAL PROVISIONS

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21 Art. 13A.052. OFFENSE COMMITTED OUTSIDE THIS STATE BY

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23 COMMITTED TO TEXAS JUVENILE JUSTICE  
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- 25 Art. 13A.553. POSSESSION AND DELIVERY OF MARIHUANA
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27 PREDATOR CIVIL COMMITMENT REQUIREMENT

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

1 prosecute the defendant may be prosecuted in any county in which:

2 (1) the defendant is found; or

3 (2) an element of the offense occurs.

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

7 (1) the injury was inflicted;

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

10 (3) the victim died or the victim's body was found.

11 (Code Crim. Proc., Arts. 13.01, 13.05.)

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

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

18 (2) if a nonresident of this state, Travis County.

19 (Code Crim. Proc., Art. 13.10.)

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

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

26 (c) An offense punishable by fine only committed on or near  
27 the boundary of contiguous municipalities that have entered into an

1 agreement authorized by Article 4.14(f) of this code and Section  
2 29.003(h), Government Code, may be prosecuted in either of those  
3 municipalities as provided in the agreement.

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

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

8 (2) the county seat of which is nearest the place where  
9 the offense was committed. (Code Crim. Proc., Arts. 13.04, 13.045,  
10 13.06.)

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

15 (1) the injury was received;

16 (2) the death occurred; or

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

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

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

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

27 Art. 13A.056. CERTAIN OFFENSES COMMITTED AGAINST A CHILD.

1 An offense under Title 5, Penal Code, involving a victim younger  
2 than 18 years of age, or an offense under Section 25.03, Penal Code,  
3 that results in bodily injury to a child younger than 18 years of  
4 age, may be prosecuted in the county in which:

- 5 (1) an element of the offense was committed;
- 6 (2) the defendant is apprehended;
- 7 (3) the victim resides; or
- 8 (4) the defendant resides. (Code Crim. Proc., Art.  
9 13.075.)

10 Art. 13A.057. VENUE BY CONSENT. With the consent of the  
11 defendant in writing, the defendant's attorney, and the attorney  
12 representing the state, the trial of a felony case without a jury  
13 may be held in any county in a judicial district for the county in  
14 which venue is otherwise authorized by law. (Code Crim. Proc., Art.  
15 13.20.)

#### 16 SUBCHAPTER C. INCHOATE OFFENSES

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

- 19 (1) the conspiracy was entered into;
- 20 (2) the conspiracy was agreed to be executed; or
- 21 (3) one or more of the conspirators acts to effect an  
22 object of the conspiracy.

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

27 (c) If a criminal conspiracy was entered into outside this

1 state under circumstances that give this state jurisdiction to  
2 prosecute the defendant, the conspiracy may be prosecuted in:

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

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

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

8 SUBCHAPTER D. OFFENSES AGAINST THE PERSON

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

13 (1) in which the offense was committed; or

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

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

18 (1) in which the offense was committed; or

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

23 SUBCHAPTER E. OFFENSES AGAINST THE FAMILY

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

26 (1) the bigamous marriage occurred;

27 (2) the parties to the bigamous marriage live together

1 as spouses; or

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

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

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

11 (1) the protective order was issued; or

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

15 Art. 13A.204. CONTINUOUS VIOLENCE AGAINST THE FAMILY. An  
16 offense under Section 25.11, Penal Code, may be prosecuted in any  
17 county in which the defendant engaged in the conduct constituting  
18 an offense under Section 22.01(a)(1), Penal Code, against a person  
19 described by Section 25.11(a), Penal Code. (Code Crim. Proc., Art.  
20 13.072.)

21 SUBCHAPTER F. OFFENSES AGAINST PROPERTY

22 Art. 13A.251. THEFT; ORGANIZED RETAIL THEFT; CARGO THEFT.

23 (a) An offense involving property that is stolen in one county and  
24 removed to another county may be prosecuted in any county:

25 (1) in which the property was stolen; or

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

27 (b) An offense under Section 31.16 or 31.18, Penal Code, may



1 be prosecuted in any county in which an underlying theft could have  
2 been prosecuted as a separate offense. (Code Crim. Proc., Art.  
3 13.08.)

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

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

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

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

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

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

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

17 (1) any county in which the writing was:

18 (A) forged;

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

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

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

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

4                   (1) the offense was committed; or

5                   (2) any person whose credit card or debit card was  
6 unlawfully possessed or used resides. (Code Crim. Proc., Art.  
7 13.291.)

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

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

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

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

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

18                   (1) the offense was committed; or

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

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

27                   (1) in which the property was misapplied;

- 1           (2) through or into which the property was removed; or  
2           (3) in which the fiduciary was appointed to serve, if  
3 applicable.

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

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

- 11           (1) from which any material document was sent; or  
12           (2) in which any material document was delivered.  
13 (Code Crim. Proc., Art. 13.27 (part).)

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

- 17           (1) any county in which the offense was committed; or  
18           (2) the county in which the victim resides. (Code  
19 Crim. Proc., Art. 13.29.)

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

- 23           (1) any county in which an element of the offense  
24 occurs; or  
25           (2) Travis County. (Code Crim. Proc., Art. 13.30.)

26           Art. 13A.262. MORTGAGE FRAUD. (a) In this article, "real  
27 estate transaction" means a sale, lease, trade, exchange, gift,

1 grant, or other conveyance of a real property interest.

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

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

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

8 (3) if the offense is an offense under Section 32.46,  
9 32.48, or 32.49, Penal Code, any county described by Subdivision  
10 (1) or (2) or authorized by Article 13A.259. (Code Crim. Proc.,  
11 Art. 13.271.)

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

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

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

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

22 (A) any proceeds of the offense; or

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

26 (3) from which, to which, or through which access to a  
27 computer, computer network, computer program, or computer system

1 was made in violation of Chapter 33, Penal Code, whether by wires,  
2 electromagnetic waves, microwaves, or any other means of  
3 communication; or

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

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

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

10 (2) to which the bill for the telecommunications  
11 service was or would have been delivered. (Code Crim. Proc., Art.  
12 13.26.)

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

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

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

20 SUBCHAPTER G. OFFENSES AGAINST PUBLIC ADMINISTRATION

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

24 (1) the harm occurs; or

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

27 Art. 13A.302. PERJURY. Perjury or aggravated perjury may

1 be prosecuted in any county in which:

2 (1) the offense was committed; or

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

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

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

8 (2) in which any material document was delivered.

9 (Code Crim. Proc., Art. 13.27 (part).)

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

13 (1) the offense was committed; or

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

17 SUBCHAPTER H. OFFENSES AGAINST PUBLIC ORDER AND DECENCY

18 Art. 13A.451. FALSE REPORT TO INDUCE EMERGENCY RESPONSE.

19 An offense under Section 42.0601, Penal Code, may be prosecuted in  
20 any county in which:

21 (1) the defendant resides;

22 (2) the false report was made; or

23 (3) a law enforcement agency or other emergency  
24 responder responded to the false report. (Code Crim. Proc., Art.  
25 13.40.)

26 SUBCHAPTER I. ORGANIZED CRIME

27 Art. 13A.501. ENGAGING IN ORGANIZED CRIMINAL ACTIVITY.

1 Engaging in organized criminal activity may be prosecuted in:

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

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

8 SUBCHAPTER J. OFFENSES OUTSIDE PENAL CODE

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

12 (1) an element of the offense occurs;

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

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

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

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

25 Art. 13A.552. CERTAIN OFFENSES COMMITTED AGAINST CHILD  
26 COMMITTED TO TEXAS JUVENILE JUSTICE DEPARTMENT. An offense  
27 described by Article 104.003(a) committed by an employee or officer

1 of the Texas Juvenile Justice Department or a person providing  
2 services under a contract with the department against a child  
3 committed to the department may be prosecuted in:

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

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

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

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

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

13 Art. 13A.554. FAILURE TO COMPLY WITH SEXUALLY VIOLENT  
14 PREDATOR CIVIL COMMITMENT REQUIREMENT. An offense under Section  
15 841.085, Health and Safety Code, may be prosecuted in:

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

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

21 CHAPTER 31A. CHANGE OF VENUE

22 SUBCHAPTER A. AUTHORITY TO CHANGE VENUE

23 Art. 31A.001. CHANGE OF VENUE ON JUDGE'S OWN MOTION

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

25 CERTAIN SEXUAL ASSAULT CASES

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

27 Art. 31A.004. CHANGE OF VENUE ON DEFENDANT'S MOTION



1 Art. 31A.005. CONTESTING MOTION TO CHANGE VENUE;  
2 HEARING

3 SUBCHAPTER B. ON CHANGE OF VENUE

4 Art. 31A.051. CLERK'S DUTIES ON CHANGE OF VENUE

5 Art. 31A.052. USE OF SERVICES OF ORIGINAL VENUE

6 Art. 31A.053. REMOVAL OF DEFENDANT IN CUSTODY

7 Art. 31A.054. NO EFFECT ON SUBPOENA, ATTACHMENT, OR  
8 BAIL OF WITNESSES

9 SUBCHAPTER C. RETURNING VENUE AFTER TRIAL

10 Art. 31A.151. RETURN TO COUNTY IN WHICH INDICTMENT OR  
11 INFORMATION FILED; SUBSEQUENT  
12 PROCEEDINGS

13 Art. 31A.152. CLERK'S DUTIES ON RETURN TO COUNTY IN  
14 WHICH INDICTMENT OR INFORMATION FILED

15 CHAPTER 31A. CHANGE OF VENUE

16 SUBCHAPTER A. AUTHORITY TO CHANGE VENUE

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

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

27 (2) any county not described by Subdivision (1), after

1 10 days' notice is provided.

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

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

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

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

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

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

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

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

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

27 (1) hear evidence on the motion; and

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

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

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

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

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

26           (c) On the defendant's motion and with the consent of the  
27 attorney representing the state, the court may transfer the case to

1 another judicial district:

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

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

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

7 (a) The credibility or the means of knowledge of a person making an  
8 affidavit for change of venue may be attacked by the affidavit of a  
9 credible person.

10 (b) If an affidavit is filed to contest an affidavit for  
11 change of venue as provided by Subsection (a), the judge shall hold  
12 a hearing on the issue and grant or refuse the motion based on the  
13 law and facts in the case. (Code Crim. Proc., Art. 31.04.)

14 SUBCHAPTER B. ON CHANGE OF VENUE

15 Art. 31A.051. CLERK'S DUTIES ON CHANGE OF VENUE. If a court  
16 orders a change of venue in a criminal case, the clerk of the court  
17 in which the prosecution is pending shall prepare and transmit to  
18 the clerk of the court to which the venue is changed:

19 (1) a certified copy of the court's order directing the  
20 change of venue;

21 (2) a certified copy of the defendant's bail bond or  
22 personal bond, if any;

23 (3) the original papers in the case; and

24 (4) a certificate of the transmitting clerk under that  
25 clerk's official seal that the papers described by Subdivision (3)  
26 are all the papers on file in the case in the court in which the  
27 prosecution is pending. (Code Crim. Proc., Art. 31.05.)

1           Art. 31A.052. USE OF SERVICES OF ORIGINAL VENUE. (a) A  
2 judge ordering a change of venue under this chapter may, with the  
3 written consent of the defendant, the defendant's attorney, and the  
4 attorney representing the state:

5                   (1) maintain the original case number on the court's  
6 docket;

7                   (2) preside over the case; and

8                   (3) use the services of the court reporter, the court  
9 coordinator, and the clerk of the court of original venue.

10           (b) If a judge takes the actions described by Subsection  
11 (a):

12                   (1) the court shall use the courtroom facilities and  
13 any other services or facilities of the judicial district or county  
14 to which venue is changed;

15                   (2) the jury, if required, must consist of residents  
16 of the judicial district or county to which venue is changed; and

17                   (3) notwithstanding Article 31A.051, the clerk of the  
18 court of original venue shall:

19                           (A) maintain the original papers of the case,  
20 including the defendant's bail bond or personal bond, if any;

21                           (B) make the papers described by Paragraph (A)  
22 available for trial; and

23                           (C) act as the clerk in the case. (Code Crim.  
24 Proc., Art. 31.09.)

25           Art. 31A.053. REMOVAL OF DEFENDANT IN CUSTODY. If the  
26 defendant is in custody when venue is changed in a criminal case:

27                   (1) an order shall be entered for:

1 (A) the defendant's removal to the county to  
2 which the venue is changed; and

3 (B) the defendant's delivery to the sheriff of  
4 the county to which the venue is changed before the next succeeding  
5 term of the court of that county; and

6 (2) the sheriff with custody of the defendant shall  
7 deliver the defendant as directed in the order described by  
8 Subdivision (1). (Code Crim. Proc., Art. 31.06.)

9 Art. 31A.054. NO EFFECT ON SUBPOENA, ATTACHMENT, OR BAIL OF  
10 WITNESSES. When venue is changed in a criminal case, any witness  
11 who has been subpoenaed, attached, or bailed to appear and testify  
12 in the case:

13 (1) is not required to be again subpoenaed, attached,  
14 or bailed; and

15 (2) shall appear before the court to which venue has  
16 been changed as if there had been no change of venue. (Code Crim.  
17 Proc., Art. 31.07.)

18 SUBCHAPTER C. RETURNING VENUE AFTER TRIAL

19 Art. 31A.151. RETURN TO COUNTY IN WHICH INDICTMENT OR  
20 INFORMATION FILED; SUBSEQUENT PROCEEDINGS. (a) On the completion  
21 of a trial in which a change of venue has been ordered and, if  
22 applicable, after the jury has been discharged, the court, with the  
23 consent of counsel for the state and the defendant, may return the  
24 case to the county in which the indictment or information was filed.  
25 Except as provided by Subsection (b), all subsequent and ancillary  
26 proceedings, including the pronouncement of sentence after appeals  
27 have been exhausted, must be heard in the county in which the

1 indictment or information was filed.

2 (b) A motion for new trial alleging jury misconduct must be  
3 heard in the county in which the case was tried. The county in which  
4 the indictment or information was filed must pay the costs of the  
5 prosecution of the motion.

6 (c) Except for the review of a death sentence under Section  
7 2(h), Article 37.071, or under Section 2(h), Article 37.072, an  
8 appeal taken in a case returned under this article to the county in  
9 which the indictment or information was filed must be docketed in  
10 the appellate district in which that county is located. (Code Crim.  
11 Proc., Art. 31.08, Secs. 1, 3.)

12 Art. 31A.152. CLERK'S DUTIES ON RETURN TO COUNTY IN WHICH  
13 INDICTMENT OR INFORMATION FILED. (a) Except as provided by  
14 Subsection (b), on an order returning a case to the county in which  
15 the indictment or information was filed as provided by Article  
16 31A.151, the clerk of the county in which the case was tried shall:

- 17 (1) make a certified copy of:
- 18 (A) the court's order directing the return; and
- 19 (B) the defendant's bail bond, personal bond, or  
20 appeal bond, if any;
- 21 (2) gather the original papers in the case and certify  
22 under official seal that the papers are all the original papers on  
23 file in the court in which the case was tried; and
- 24 (3) transmit the items described by Subdivisions (1)  
25 and (2) to the clerk of the court in which the indictment or  
26 information was filed.

27 (b) This article does not apply to a proceeding in which the

1 clerk of the court in which the indictment or information was filed  
2 was present and performed the duties as clerk for the court under  
3 Article 31A.052. (Code Crim. Proc., Art. 31.08, Sec. 2.)

4 CHAPTER 45A. JUSTICE AND MUNICIPAL COURTS

5 SUBCHAPTER A. GENERAL PROVISIONS

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- 8 Art. 45A.003. APPLICABILITY
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4 Art. 45A.151. DEFENDANT'S PLEA  
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- 9                   INVOLVING DEFERRED DISPOSITION
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4 TO ATTEND SCHOOL

5 CHAPTER 45A. JUSTICE AND MUNICIPAL COURTS

6 SUBCHAPTER A. GENERAL PROVISIONS

7 Art. 45A.001. CHAPTER PURPOSE AND OBJECTIVES. (a) The  
8 purpose of this chapter is to establish procedures for processing  
9 cases under the criminal jurisdiction of the justice and municipal  
10 courts.

11 (b) This chapter is intended and shall be construed to  
12 achieve the following objectives:

13 (1) to provide fair notice and a meaningful  
14 opportunity to be heard to a person appearing in a criminal  
15 proceeding in a justice or municipal court;

16 (2) to ensure appropriate dignity in court procedure  
17 without undue formalism;

18 (3) to promote adherence to rules with sufficient  
19 flexibility to serve the ends of justice; and

20 (4) to process cases without unnecessary expense or  
21 delay. (Code Crim. Proc., Art. 45.001.)

22 Art. 45A.002. DEFINITIONS. In this chapter:

23 (1) "Complaint" means a sworn allegation charging an  
24 accused person with the commission of an offense.

25 (2) "Cost" includes any fee, including a reimbursement  
26 fee, imposed on a defendant by a justice or judge, unless the  
27 context clearly indicates otherwise. (Code Crim. Proc., Arts.

1 45.004, 45.018(a).)

2 Art. 45A.003. APPLICABILITY. (a) A criminal proceeding in  
3 a justice or municipal court shall be conducted in accordance with  
4 this chapter.

5 (b) If this chapter does not provide a rule of procedure  
6 governing an aspect of a case, the justice or judge shall apply the  
7 other general provisions of this code to the extent necessary to  
8 achieve the objectives of this chapter. (Code Crim. Proc., Art.  
9 45.002.)

10 Art. 45A.004. RULES OF EVIDENCE. The rules of evidence that  
11 apply to the trial of a criminal action in a district court apply to  
12 a criminal proceeding in a justice or municipal court. (Code Crim.  
13 Proc., Art. 45.011.)

14 Art. 45A.005. PROSECUTING ATTORNEY. (a) A county or  
15 district attorney or a deputy county or district attorney shall  
16 conduct each prosecution in a justice court.

17 (b) Except as otherwise provided by law, a district attorney  
18 or a deputy district attorney with the consent of the county  
19 attorney may prosecute an appeal from a justice court.

20 (c) A municipal attorney or a deputy municipal attorney  
21 shall conduct each prosecution in a municipal court.

22 (d) The county attorney of the county in which a  
23 municipality is located may also represent the state in a  
24 prosecution in a municipal court in that municipality. The county  
25 attorney is not entitled to receive any fees or other compensation  
26 for representing the state in a prosecution described by this  
27 subsection.

1 (e) With the consent of the county attorney, a municipal  
2 attorney or a deputy municipal attorney may prosecute an appeal  
3 from a municipal court to a county court, county court at law, or  
4 appellate court. (Code Crim. Proc., Arts. 45.101, 45.201(a), (b),  
5 (c).)

6 Art. 45A.006. GENERAL DUTIES OF MUNICIPAL ATTORNEYS. The  
7 primary duty of a municipal attorney is not to convict, but to see  
8 that justice is done. (Code Crim. Proc., Art. 45.201(d).)

9 SUBCHAPTER B. COURT RECORDS

10 Art. 45A.051. ELECTRONIC RECORDS. (a) Notwithstanding any  
11 other law, a document issued or maintained by a justice or municipal  
12 court or a notice or a citation issued by a law enforcement officer  
13 may be created by electronic means, including:

- 14 (1) optical imaging;  
15 (2) optical disk;  
16 (3) digital imaging; or  
17 (4) another electronic reproduction technique that  
18 does not permit changes, additions, or deletions to the originally  
19 created document.

20 (b) A justice or municipal court may use electronic means  
21 to:

- 22 (1) produce a document required by law to be written;  
23 (2) record an instrument, paper, or notice that is  
24 permitted or required by law to be recorded or filed; or  
25 (3) maintain a docket.

26 (c) Information in a docket may be processed and stored  
27 using electronic data processing equipment, at the discretion of

1 the justice or judge.

2 (d) A justice or municipal court shall maintain original  
3 documents as provided by law.

4 (e) An electronically recorded judgment has the same force  
5 and effect as a written signed judgment.

6 (f) A record created by electronic means is an original  
7 record or a certification of the original record.

8 (g) A printed copy of an optical image of the original  
9 record printed from an optical disk system is an accurate copy of  
10 the original record.

11 (h) A statutory requirement that a document contain the  
12 signature of any person, including a judge, clerk of the court, or  
13 defendant, is satisfied if the document contains that signature as  
14 captured on an electronic device. (Code Crim. Proc., Arts.  
15 45.012(a), (b), (c), (d), (e), (f), (h), 45.017(b).)

16 Art. 45A.052. COURT SEAL. (a) A justice or municipal court  
17 shall have a court seal.

18 (b) The impression of the court seal must be:

19 (1) attached to all papers issued out of the justice or  
20 municipal court except subpoenas; and

21 (2) used to authenticate the official acts of the  
22 clerk and of the recorder.

23 (c) A court seal may be created by electronic means,  
24 including:

25 (1) optical imaging;

26 (2) optical disk; or

27 (3) another electronic reproduction technique that



1 does not permit changes, additions, or deletions to an original  
2 document created by the same type of system. (Code Crim. Proc.,  
3 Art. 45.012(g).)

4 Art. 45A.053. DOCKET. The justice or judge of a justice or  
5 municipal court or, if directed by the justice or judge, the clerk  
6 of the court shall keep a docket containing the following  
7 information:

- 8 (1) the style and file number of each criminal action;
- 9 (2) the nature of the offense charged;
- 10 (3) the plea offered by the defendant and the date the  
11 plea was entered;
- 12 (4) the date the warrant, if any, was issued and the  
13 return made on the warrant;
- 14 (5) the date the examination or trial was held;
- 15 (6) if a trial was held, whether it was by a jury or by  
16 the justice or judge;
- 17 (7) the verdict of the jury, if any, and the date of  
18 the verdict;
- 19 (8) the judgment and sentence of the court and the date  
20 each was entered;
- 21 (9) the motion for new trial, if any, and the decision  
22 made on the motion; and
- 23 (10) whether an appeal was taken and the date of that  
24 action. (Code Crim. Proc., Art. 45.017(a).)

25 Art. 45A.054. FILING BY MAIL. (a) Notwithstanding any  
26 other law, for purposes of this chapter, a document is considered  
27 timely filed with the clerk of a justice or municipal court if:

1           (1) the document is deposited with the United States  
2 Postal Service in a first class postage prepaid envelope properly  
3 addressed to the clerk on or before the date the document is  
4 required to be filed with the clerk; and

5           (2) the clerk receives the document not later than the  
6 10th day after the date the document is required to be filed with  
7 the clerk.

8           (b) A legible postmark affixed by the United States Postal  
9 Service is prima facie evidence of the date the document is  
10 deposited with the United States Postal Service.

11           (c) In this article, "day" does not include Saturday,  
12 Sunday, or a legal holiday. (Code Crim. Proc., Art. 45.013.)

13           Art. 45A.055. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY  
14 MISDEMEANORS. (a) Except as provided by Subsections (b) and (c),  
15 following the fifth anniversary of the date of a final conviction  
16 of, or of a dismissal after deferral of disposition for, a  
17 misdemeanor offense punishable by fine only, all records and files  
18 and information stored by electronic means or otherwise, from which  
19 a record or file could be generated, that are held or stored by or  
20 for a justice or municipal court and relate to the person who was  
21 convicted of, or who received a dismissal after deferral of  
22 disposition for, the offense are confidential and may not be  
23 disclosed to the public.

24           (b) Records, files, and information subject to Subsection  
25 (a) may be open to inspection only:

26           (1) by a judge or court staff;

27           (2) by a criminal justice agency for a criminal

1 justice purpose, as those terms are defined by Section 411.082,  
2 Government Code;

3 (3) by the Department of Public Safety;

4 (4) by the attorney representing the state;

5 (5) by the defendant or the defendant's counsel;

6 (6) if the offense is a traffic offense, by an  
7 insurance company or surety company authorized to write motor  
8 vehicle liability insurance in this state; or

9 (7) for the purpose of complying with a requirement  
10 under federal law, including a disclosure that is required as a  
11 condition of receiving federal highway funds.

12 (c) This article does not apply to records, files, and  
13 information described by Subsection (a) that relate to an offense  
14 that is sexual in nature, as determined by the holder of the  
15 records, files, or information. (Code Crim. Proc., Art. 45.0218.)

16 SUBCHAPTER C. PRETRIAL PROCEEDINGS

17 Art. 45A.101. COMPLAINT. (a) A complaint is sufficient,  
18 without regard to form, if the complaint substantially satisfies  
19 the following requirements:

20 (1) is in writing;

21 (2) begins with "In the name and by the authority of  
22 the State of Texas";

23 (3) either:

24 (A) states the name of the accused person; or

25 (B) if the name of the accused person is unknown,  
26 includes a reasonably definite description of the accused person;

27 (4) either:

1 (A) shows that the accused person has committed  
2 an offense against the law of this state; or

3 (B) states that the affiant has good reason to  
4 believe and does believe that the accused person has committed an  
5 offense against the law of this state;

6 (5) states the date the offense was committed as  
7 definitely as the affiant is able to provide;

8 (6) bears the signature or mark of the affiant; and

9 (7) concludes with the words "Against the peace and  
10 dignity of the State."

11 (b) If the offense charged is an offense under a municipal  
12 ordinance only, the complaint may also conclude with the words  
13 "Contrary to the said ordinance."

14 (c) A complaint must allege that the offense was committed:

15 (1) in the county in which the complaint is made, if  
16 filed in justice court; or

17 (2) in the territorial limits of the municipality in  
18 which the complaint is made, if filed in municipal court.

19 (d) A complaint may be sworn to before any officer  
20 authorized to administer oaths.

21 (e) A complaint in a municipal court may be sworn to before:

22 (1) the municipal judge;

23 (2) the clerk of the court or a deputy clerk;

24 (3) the municipal secretary; or

25 (4) the municipal attorney or a deputy municipal  
26 attorney.

27 (f) In a county with a population of more than two million

1 that does not have a county attorney, a complaint for an offense  
2 under Section 32.41, Penal Code, must be approved by the district  
3 attorney, regardless of whether a collection proceeding is  
4 initiated by the district attorney under Subsection (e) of that  
5 section.

6 (g) A defendant is entitled to notice of a complaint against  
7 the defendant not later than the day before the date of any  
8 proceeding in the prosecution of the defendant under the complaint.  
9 The defendant may waive the right to notice granted by this  
10 subsection. (Code Crim. Proc., Arts. 45.018(b), 45.019(a), (b),  
11 (c), (d), (e), (g).)

12 Art. 45A.102. OBJECTION TO CHARGING INSTRUMENT. If the  
13 defendant does not object to a defect, error, or irregularity of  
14 form or substance in a charging instrument before the date the trial  
15 on the merits begins, the defendant waives and forfeits the right to  
16 object to the defect, error, or irregularity. This article does not  
17 prohibit a trial court from requiring that an objection to a  
18 charging instrument be made at an earlier time. (Code Crim. Proc.,  
19 Art. 45.019(f).)

20 Art. 45A.103. SERVICE OF PROCESS FOR MUNICIPAL COURT. (a)  
21 All process issued by a municipal court:

22 (1) may be served by a peace officer or marshal of the  
23 municipality in which the court is located; and

24 (2) shall be served by a peace officer or marshal  
25 described by Subdivision (1) if directed by the court.

26 (b) Process must be served under Subsection (a) in  
27 accordance with the law governing a sheriff's or constable's

1 service of process issued by a justice court, as applicable.

2 (c) A peace officer or marshal of a municipality may serve  
3 process issued by a municipal court in that municipality anywhere  
4 in the county or counties in which the municipality is located.  
5 (Code Crim. Proc., Art. 45.202.)

6 Art. 45A.104. ARREST WARRANT. (a) If a sworn complaint or  
7 affidavit based on probable cause has been filed before a justice or  
8 municipal court, the justice or judge may issue a warrant for the  
9 arrest of the defendant and deliver the warrant to the proper  
10 officer to be executed.

11 (b) A warrant is sufficient if the warrant:

12 (1) is issued in the name of "The State of Texas";

13 (2) is directed to the proper peace officer or other  
14 person specifically named in the warrant;

15 (3) includes a command that the defendant be taken,  
16 and brought before the authority issuing the warrant, at the time  
17 and place stated in the warrant;

18 (4) either:

19 (A) states the defendant's name; or

20 (B) if the defendant's name is not known,  
21 describes the defendant as provided in the complaint;

22 (5) states that the defendant is accused of an offense  
23 against the law of this state, naming the offense; and

24 (6) is signed by the justice or judge, naming the  
25 office of the justice or judge either in the body of the warrant or  
26 in connection with the signature of the justice or judge.

27 (c) Except as inconsistent or in conflict with this chapter,

1 Chapter 15 applies to a warrant of arrest issued under this article.

2 (d) In a county with a population of more than two million  
3 that does not have a county attorney, a justice or judge may not  
4 issue a warrant under this article for an offense under Section  
5 32.41, Penal Code, unless the district attorney has approved the  
6 complaint or affidavit on which the warrant is based.

7 (e) A justice or judge may not issue an arrest warrant for  
8 the defendant's failure to appear at the initial court setting,  
9 including failure to appear as required by a citation issued under  
10 Article 14.06(b), unless:

11 (1) the justice or judge provides by telephone or  
12 regular mail to the defendant notice that includes:

13 (A) a date and time, occurring within the 30-day  
14 period following the date that notice is provided, when the  
15 defendant must appear before the justice or judge;

16 (B) the name and address of the court with  
17 jurisdiction in the case;

18 (C) information regarding alternatives to the  
19 full payment of any fines or costs owed by the defendant, if the  
20 defendant is unable to pay that amount;

21 (D) a statement that the defendant may be  
22 entitled to a credit toward any fines or costs owed by the defendant  
23 if the defendant was confined in jail or prison after the commission  
24 of the offense for which the notice is given; and

25 (E) an explanation of the consequences if the  
26 defendant fails to appear before the justice or judge as required by  
27 this article; and

1           (2) the defendant fails to appear before the justice  
2 or judge as required by this article.

3           (f) A defendant who receives notice under Subsection (e) may  
4 request an alternative date or time to appear before the justice or  
5 judge if the defendant is unable to appear on the date and time  
6 included in the notice.

7           (g) A justice or judge shall recall an arrest warrant for  
8 the defendant's failure to appear if the defendant voluntarily  
9 appears and makes a good faith effort to resolve the arrest warrant  
10 before the warrant is executed. (Code Crim. Proc., Art. 45.014, as  
11 amended Acts 85th Leg., R.S., Ch. 1127.)

12           Art. 45A.105. ARREST WARRANT WITHOUT COMPLAINT. If a  
13 criminal offense that a justice of the peace has jurisdiction to try  
14 is committed within the view of the justice, the justice may issue a  
15 warrant for the arrest of the offender. (Code Crim. Proc., Art.  
16 45.103.)

17           Art. 45A.106. DEFENDANT PLACED IN JAIL. If a peace officer  
18 is authorized by this title to retain a defendant in custody, the  
19 officer may place the defendant in jail in accordance with this code  
20 or other law. (Code Crim. Proc., Art. 45.015.)

21           Art. 45A.107. BAIL. (a) A justice or judge may require a  
22 defendant to give a personal bond to secure the defendant's  
23 appearance in accordance with this code.

24           (b) A justice or judge may not, either instead of or in  
25 addition to the personal bond, require a defendant to give a bail  
26 bond unless:

27           (1) the defendant fails to appear in accordance with



1 this code with respect to the applicable offense; and

2 (2) the justice or judge determines that:

3 (A) the defendant has sufficient resources or  
4 income to give a bail bond; and

5 (B) a bail bond is necessary to secure the  
6 defendant's appearance in accordance with this code.

7 (c) If a defendant required to give a bail bond in  
8 accordance with Subsection (b) does not give the bail bond within 48  
9 hours after the issuance of the applicable order, the justice or  
10 judge:

11 (1) shall reconsider the requirement for the defendant  
12 to give the bail bond and presume that the defendant does not have  
13 sufficient resources or income to give the bond; and

14 (2) may require the defendant to give a personal bond.

15 (d) A defendant may be held in custody if the defendant:

16 (1) refuses to give a personal bond; or

17 (2) except as provided by Subsection (c), refuses or  
18 otherwise fails to give a bail bond. (Code Crim. Proc., Art.  
19 45.016, as amended Acts 85th Leg., R.S., Ch. 1127.)

20 Art. 45A.108. FELONY OFFENSE COMMITTED IN ANOTHER COUNTY.  
21 If a complaint is made before a justice of the peace that a felony  
22 has been committed in a county other than the county in which the  
23 complaint is made, the justice shall issue a warrant for the arrest  
24 of the defendant, directed as provided in other cases, commanding  
25 that the defendant be arrested and taken before a magistrate of the  
26 county in which the felony is alleged to have been committed,  
27 immediately, for examination as provided in other cases. (Code

1 Crim. Proc., Art. 45.102.)

2 SUBCHAPTER D. TRIAL

3 Art. 45A.151. DEFENDANT'S PLEA. (a) A pleading of a  
4 defendant in a justice or municipal court may be oral or in writing  
5 as directed by the court.

6 (b) After a jury is impaneled, or after the defendant has  
7 waived trial by jury, the defendant may enter:

8 (1) a plea of guilty, not guilty, or nolo contendere;  
9 or

10 (2) a special plea of double jeopardy as described by  
11 Article 27.05.

12 (c) If a defendant is detained in jail before trial, the  
13 justice or judge may permit the defendant to enter any of the pleas  
14 described by Subsection (b).

15 (d) If a defendant is charged with an offense involving  
16 family violence, as defined by Section 71.004, Family Code, the  
17 justice or judge must take the defendant's plea in open court.  
18 (Code Crim. Proc., Arts. 45.021, 45.0211, 45.023(a), (b).)

19 Art. 45A.152. DEFENDANT'S REFUSAL TO PLEAD. If a defendant  
20 refuses to plead, the justice or judge shall enter a plea of not  
21 guilty. (Code Crim. Proc., Art. 45.024.)

22 Art. 45A.153. PLEA OF GUILTY OR NOLO CONTENDERE GENERALLY.

23 (a) On the entry of a plea of guilty or nolo contendere, the justice  
24 or municipal court may hear proof regarding the offense and assess  
25 the punishment.

26 (b) A justice or judge may not accept a plea of guilty or  
27 nolo contendere from a defendant in open court unless it appears to

1 the justice or judge that the defendant is mentally competent and  
2 the plea is free and voluntary. (Code Crim. Proc., Arts. 45.022,  
3 45.0241.)

4 Art. 45A.154. PLEA OF GUILTY OR NOLO CONTENDERE BY  
5 DEFENDANT IN JAIL. (a) If a defendant who is detained in jail  
6 enters a plea of guilty or nolo contendere, the justice or judge  
7 may, after complying with Article 15.17 and advising the defendant  
8 of the defendant's right to trial by jury, as appropriate:

9 (1) accept the defendant's plea;

10 (2) assess a fine, determine costs, and accept payment  
11 of the fine and costs;

12 (3) give the defendant credit for time served;

13 (4) determine whether the defendant is indigent; or

14 (5) discharge the defendant.

15 (b) Notwithstanding Article 45A.201(a), following a plea of  
16 guilty or nolo contendere entered by a defendant detained in jail, a  
17 motion for new trial must be made not later than the 10th day after  
18 the imposition of judgment and sentence. The justice or judge shall  
19 grant a motion for new trial made under this subsection. (Code  
20 Crim. Proc., Arts. 45.023(c), (d).)

21 Art. 45A.155. JURY WAIVER. (a) A defendant may waive a  
22 trial by jury in writing.

23 (b) If a defendant waives a trial by jury, the justice or  
24 judge shall hear and determine the case without a jury. (Code Crim.  
25 Proc., Art. 45.025.)

26 Art. 45A.156. JURY SUMMONED. (a) If a defendant does not  
27 waive a trial by jury, the justice or judge shall issue a writ

1 commanding the proper officer to summon a venire from which six  
2 qualified persons shall be selected to serve as jurors in the case.

3 (b) Jurors summoned as provided by Subsection (a) shall  
4 remain in attendance, as jurors in all cases that may come up for  
5 hearing, until discharged by the justice or municipal court.

6 (c) A person summoned as provided by Subsection (a) who  
7 fails to attend may be fined an amount not to exceed \$100 for  
8 contempt.

9 (d) If a sufficient number of jurors are not in attendance  
10 as a result of challenges or any other reason, the justice or judge  
11 shall order the proper officer to summon a sufficient number of  
12 qualified persons to form the jury. (Code Crim. Proc., Arts.  
13 45.027, 45.028.)

14 Art. 45A.157. FAILURE TO APPEAR FOR JURY TRIAL. (a) A  
15 justice or municipal court may order a defendant who does not waive  
16 a jury trial in a justice or municipal court and who fails to appear  
17 for the trial to pay a reimbursement fee for the costs incurred for  
18 impaneling the jury.

19 (b) The justice or municipal court for good cause may  
20 release a defendant from the obligation to pay the reimbursement  
21 fee under this article.

22 (c) An order issued by a justice or municipal court under  
23 this article may be enforced by contempt as provided by Section  
24 21.002(c), Government Code. (Code Crim. Proc., Art. 45.026.)

25 Art. 45A.158. ATTORNEY REPRESENTING STATE NOT PRESENT FOR  
26 TRIAL. If an attorney representing the state is not present when  
27 the case is called for trial, the justice or judge may:

1           (1) postpone the trial to a specified date;

2           (2) appoint an attorney pro tem as provided by this  
3 code to represent the state; or

4           (3) proceed to trial. (Code Crim. Proc., Art. 45.031.)

5           Art. 45A.159. JURY SELECTION AND FORMATION. (a) In a jury  
6 trial in a justice or municipal court, the state, and each defendant  
7 in the case, is entitled to three peremptory challenges.

8           (b) The justice or judge shall form the jury and administer  
9 the appropriate oath in accordance with Chapter 35. (Code Crim.  
10 Proc., Arts. 45.029, 45.030.)

11          Art. 45A.160. DEFENDANT'S RIGHT TO ATTORNEY. The defendant  
12 has a right to appear by an attorney as in all other cases. (Code  
13 Crim. Proc., Art. 45.020(a).)

14          Art. 45A.161. ORDER OF ARGUMENT. The attorney representing  
15 the state may open and conclude the argument in the case. (Code  
16 Crim. Proc., Art. 45.020(b).)

17          Art. 45A.162. DIRECTED VERDICT. If, on the trial of a case  
18 in a justice or municipal court, the state fails to prove a prima  
19 facie case of the offense alleged in the complaint, the defendant is  
20 entitled to a directed verdict of not guilty. (Code Crim. Proc.,  
21 Art. 45.032.)

22          Art. 45A.163. JURY CHARGE. (a) The judge shall charge the  
23 jury.

24          (b) The charge may be made orally or in writing, except that  
25 the charge shall be made in writing if required by other law. (Code  
26 Crim. Proc., Art. 45.033.)

27          Art. 45A.164. JURY KEPT TOGETHER DURING DELIBERATION. When

1 the case is submitted to the jury, the jury shall retire in the  
2 charge of an officer and be kept together until:

3 (1) the jury agrees to a verdict;

4 (2) the jury is discharged; or

5 (3) the court recesses. (Code Crim. Proc., Art.  
6 45.034.)

7 Art. 45A.165. MISTRIAL. (a) A justice or municipal court  
8 shall discharge a jury if the jury fails to agree to a verdict after  
9 being kept together a reasonable period.

10 (b) If a jury is discharged under Subsection (a), the  
11 justice or judge may impanel another jury as soon as practicable to  
12 try the case. (Code Crim. Proc., Art. 45.035.)

13 Art. 45A.166. VERDICT. (a) When the jury has agreed on a  
14 verdict, the jury shall bring the verdict into court.

15 (b) The justice or judge shall ensure that the verdict is in  
16 the proper form and impose the proper judgment and sentence on the  
17 verdict. (Code Crim. Proc., Art. 45.036.)

18 SUBCHAPTER E. NEW TRIAL AND APPEAL

19 Art. 45A.201. NEW TRIAL. (a) A motion for a new trial must  
20 be made not later than the fifth day after the imposition of  
21 judgment and sentence.

22 (b) Subject to Subsection (e), not later than the 10th day  
23 after the date that the judgment is entered, a justice or judge may  
24 grant the defendant a new trial for good cause shown if the justice  
25 or judge considers that justice has not been done the defendant in  
26 the trial of the case.

27 (c) If a motion for a new trial is not granted before the

1 11th day after the date that the judgment is entered, the motion is  
2 considered denied.

3 (d) If a new trial is granted, the justice or judge shall  
4 proceed to try the case again as soon as practicable.

5 (e) A defendant may be granted not more than one new trial in  
6 the same case.

7 (f) The state is not entitled to a new trial in any case.  
8 (Code Crim. Proc., Arts. 45.037, 45.038, 45.039, 45.040.)

9 Art. 45A.202. APPEAL. (a) An appeal from a justice or  
10 municipal court, including an appeal from a final judgment in a bond  
11 forfeiture proceeding, shall be heard by the county court or, if the  
12 county court has no jurisdiction over the case, the proper court in  
13 the county.

14 (b) A de novo trial shall be held on appeal unless the appeal  
15 is:

16 (1) taken from a municipal court of record; and

17 (2) based on error reflected in the record.

18 (c) An appeal may not be dismissed because of:

19 (1) the defendant's failure to give notice of appeal in  
20 open court; or

21 (2) the presence of a defect in the transcript.

22 (d) In an appeal from the judgment and sentence of a justice  
23 or municipal court, if the defendant is in custody, the defendant  
24 shall be committed to jail unless the defendant is released on bail.

25 (e) If the court that issued the judgment and sentence being  
26 appealed is in session, the court must approve the bail. (Code Crim.  
27 Proc., Arts. 45.042, 45.0425(a) (part), 45.0426(c).)

1           Art. 45A.203. APPEAL BOND. (a) An appeal is perfected when  
2 the appeal bond has been filed:

3                   (1) with the justice or judge who tried the case; and

4                   (2) not later than the 10th day after the date the  
5 judgment was entered.

6           (b) If an appeal bond is not timely filed, the appellate  
7 court does not have jurisdiction over the case and shall remand the  
8 case to the justice or municipal court for execution of the  
9 sentence.

10           (c) The amount of an appeal bond may not be less than the  
11 greater of:

12                   (1) twice the amount of the fine and costs adjudged  
13 against the defendant; or

14                   (2) \$50.

15           (d) If an appeal bond otherwise meets the requirements of  
16 this code, the court, without requiring a court appearance by the  
17 defendant, shall approve the appeal bond in the amount the court  
18 notified the defendant would be approved under Article 27.14(b).

19           (e) An appeal bond must be made payable to the State of Texas  
20 and must:

21                   (1) state that the defendant was convicted in the case  
22 and has appealed; and

23                   (2) be conditioned on the defendant:

24                           (A) making a personal appearance before the court  
25 to which the appeal is taken:

26                                   (i) immediately, if the court is in  
27 session; or



1 (ii) if the court is not in session, at the  
2 next regular term of the court, provided that the bond states the  
3 time and place of that session; and

4 (B) remaining at the court from day to day and  
5 term to term to answer in the case. (Code Crim. Proc., Arts.  
6 45.0425(a) (part), (b), 45.0426(a), (b).)

7 Art. 45A.204. EFFECT OF APPEAL. All further proceedings in  
8 the case in the justice or municipal court must cease when a  
9 defendant files the appeal bond required by law with the justice or  
10 municipal court. (Code Crim. Proc., Art. 45.043.)

11 SUBCHAPTER F. JUDGMENT, FINES, AND COSTS

12 Art. 45A.251. JUDGMENT. (a) The judgment and sentence for  
13 a conviction in a criminal action before a justice or judge is that  
14 the defendant pay the amount of the fine and costs to the state.

15 (b) Subject to Articles 45A.253(a) and (b) and Article  
16 45A.257, the justice or judge may direct the defendant:

17 (1) to pay:

18 (A) the entire fine and costs when the sentence  
19 is pronounced;

20 (B) the entire fine and costs at a later date; or

21 (C) a specified portion of the fine and costs at  
22 designated intervals;

23 (2) if applicable, to make restitution to a victim of  
24 the offense; and

25 (3) to satisfy any other sanction authorized by law.

26 (c) Restitution made under Subsection (b)(2) may not exceed  
27 \$5,000 for an offense under Section 32.41, Penal Code.

1           (d) The justice or judge shall credit the defendant for time  
2 served in jail as provided by Article 42.03. The credit under this  
3 subsection shall be applied to the amount of the fine and costs at  
4 the rate provided by Article 45A.262.

5           (e) In addition to credit under Subsection (d), in imposing  
6 a fine and costs in a case involving a misdemeanor punishable by  
7 fine only, the justice or judge shall credit the defendant for any  
8 period the defendant was confined in jail or prison while serving a  
9 sentence for another offense if that confinement occurred after the  
10 commission of the misdemeanor. The credit under this subsection  
11 shall be applied to the amount of the fine and costs at the rate of  
12 not less than \$150 for each day of confinement.

13           (f) All judgments, sentences, and final orders of the  
14 justice or judge shall be imposed in open court. (Code Crim. Proc.,  
15 Arts. 45.041(a), (b), (b-1), (c), (c-1), (d).)

16           Art. 45A.252. SUFFICIENCY OF RESOURCES TO PAY FINES OR  
17 COSTS. (a) Notwithstanding any other provision of this article,  
18 Article 45A.251, or Article 45A.253, during or immediately after  
19 imposing a sentence in a case in which the defendant entered a plea  
20 in open court as provided by Article 27.14(a) or 27.16(a), the  
21 justice or judge shall inquire whether the defendant has sufficient  
22 resources or income to immediately pay all or part of the fine and  
23 costs.

24           (b) If the justice or judge determines that the defendant  
25 does not have sufficient resources or income to immediately pay all  
26 or part of the fine and costs, the justice or judge shall determine  
27 whether the fine and costs should be:

1           (1) subject to Article 45A.253(a), required to be paid  
2 at a later date or in a specified portion at designated intervals;

3           (2) discharged by performing community service under,  
4 as applicable, Article 45A.254, 45A.459, or 45A.460;

5           (3) waived in full or in part under Article 45A.257; or

6           (4) satisfied through any combination of methods under  
7 Subdivision (1), (2), or (3). (Code Crim. Proc., Art. 45.041(a-1).)

8           Art. 45A.253. DISCHARGING FINES OR COSTS. (a) In imposing  
9 a fine and costs, the justice or judge shall allow the defendant to  
10 pay the fine and costs in specified portions at designated  
11 intervals if the justice or judge determines that the defendant is  
12 unable to immediately pay the fine and costs.

13           (b) A judge may allow a defendant who is a child, as defined  
14 by Article 45A.453(a), to elect at the time of conviction, as  
15 defined by Section 133.101, Local Government Code, to discharge the  
16 fine and costs by:

17           (1) performing community service or receiving  
18 tutoring under Article 45A.460, regardless of whether the  
19 applicable offense occurred at a location specified by Subsection  
20 (a) of that article; or

21           (2) paying the fine and costs in a manner described by  
22 Article 45A.251(b).

23           (c) The defendant must make the election under Subsection  
24 (b) in writing. The defendant and, if present, the defendant's  
25 parent, guardian, or managing conservator must sign the election.  
26 The court shall maintain the written election as a record of the  
27 court and provide a copy to the defendant.

1           (d) Notwithstanding Article 45A.252 or any other provision  
2 of this chapter, in imposing a fine and costs, the justice or judge  
3 may not require a defendant who is under the conservatorship of the  
4 Department of Family and Protective Services or in extended foster  
5 care as provided by Subchapter G, Chapter 263, Family Code, to pay  
6 any amount of the fine and costs. In lieu of the payment of fine and  
7 costs, the justice or judge may require the defendant to perform  
8 community service as provided by Article 45A.254, 45A.459, or  
9 45A.460, as appropriate. (Code Crim. Proc., Arts. 45.041(b-2),  
10 (b-3), (b-4), (b-5), (b-6).)

11           Art. 45A.254. COMMUNITY SERVICE TO SATISFY FINES OR COSTS.

12           (a) A justice or judge may require a defendant who fails to pay a  
13 previously assessed fine or cost, or who is determined by the court  
14 to have insufficient resources or income to pay a fine or cost, to  
15 discharge all or part of the fine or cost by performing community  
16 service.

17           (b) An order requiring a defendant to perform community  
18 service under this article must specify:

19                   (1) the number of hours of community service the  
20 defendant is required to perform; and

21                   (2) the date by which the defendant must submit to the  
22 court documentation verifying that the defendant completed the  
23 community service.

24           (c) The justice or judge may order the defendant to perform  
25 community service under this article:

26                   (1) by attending:

27                           (A) a work and job skills training program;

1 (B) a preparatory class for the high school  
2 equivalency examination administered under Section 7.111,  
3 Education Code;

4 (C) an alcohol or drug abuse program;

5 (D) a rehabilitation program;

6 (E) a counseling program, including a  
7 self-improvement program;

8 (F) a mentoring program; or

9 (G) any similar activity; or

10 (2) for:

11 (A) a governmental entity;

12 (B) a nonprofit organization or another  
13 organization that provides to the general public services that  
14 enhance social welfare and the general well-being of the community,  
15 as determined by the justice or judge; or

16 (C) an educational institution.

17 (d) A justice or judge may not order a defendant to perform  
18 more than 16 hours each week of community service under this article  
19 unless the justice or judge determines that requiring the defendant  
20 to perform additional hours does not impose an undue hardship on the  
21 defendant or the defendant's dependents.

22 (e) A defendant is considered to have discharged not less  
23 than \$100 of fines or costs for each eight hours of community  
24 service performed under this article.

25 (f) A defendant may discharge an obligation to perform  
26 community service under this article by paying at any time the fine  
27 and costs assessed.

1 (g) A community supervision and corrections department or a  
2 court-related services office may provide the administrative and  
3 other services necessary to supervise a defendant required to  
4 perform community service under this article.

5 (h) An entity that accepts a defendant to perform community  
6 service under this article must agree to:

7 (1) supervise, either on-site or remotely, the  
8 defendant in the performance of the defendant's community service;  
9 and

10 (2) report on the defendant's community service to the  
11 justice or judge who ordered the service.

12 (i) A sheriff, employee of a sheriff's department, county  
13 commissioner, county employee, county judge, justice of the peace,  
14 municipal court judge, or officer or employee of a political  
15 subdivision other than a county or an entity that accepts a  
16 defendant to perform community service under this article is not  
17 liable for damages arising from an act or failure to act in  
18 connection with the community service if the act or failure to act:

19 (1) was performed pursuant to court order; and

20 (2) was not intentional, wilfully or wantonly  
21 negligent, or performed with conscious indifference or reckless  
22 disregard for the safety of others. (Code Crim. Proc., Arts.  
23 45.049(a), (b), (c), (c-1), (d), (e), (f), (i).)

24 Art. 45A.255. COMMUNITY SERVICE IN CERTAIN CASES INVOLVING  
25 DEFERRED DISPOSITION. (a) This article applies only to a defendant  
26 who is a resident of this state and who is charged with:

27 (1) a traffic offense; or

1           (2) an offense under Section 106.05, Alcoholic  
2 Beverage Code.

3           (b) If under Article 45A.303(b)(10) the judge requires a  
4 defendant described by Subsection (a) to perform community service  
5 as a condition of the deferral, the defendant is entitled to elect  
6 whether to perform the required service in the county in which:

7           (1) the court is located; or

8           (2) the defendant resides, but only if the applicable  
9 entity agrees to:

10           (A) supervise, either on-site or remotely, the  
11 defendant in the performance of the defendant's community service;  
12 and

13           (B) report to the court on the defendant's  
14 community service.

15           (c) If a defendant described by Subsection (a)(2) elects to  
16 perform the required community service in the county in which the  
17 defendant resides under Subsection (b)(2), the community service  
18 must comply with Sections 106.071(d) and (e), Alcoholic Beverage  
19 Code, except that if the educational programs or services described  
20 by Section 106.071(e) are not available in the county of the  
21 defendant's residence, the court may order community service that  
22 the court considers appropriate for rehabilitative purposes. (Code  
23 Crim. Proc., Arts. 45.049(g), (h).)

24           Art. 45A.256. FORFEITURE OF CASH BOND TO SATISFY FINES AND  
25 COSTS; MOTION FOR NEW TRIAL. (a) A justice or judge may enter a  
26 judgment of conviction and forfeit a cash bond posted by the  
27 defendant to satisfy the defendant's fine and costs if the

1 defendant:

2 (1) has entered a written and signed plea of nolo  
3 contendere and a waiver of jury trial; and

4 (2) fails to appear according to the conditions of the  
5 defendant's release.

6 (b) A justice or judge who enters a judgment of conviction  
7 and forfeiture of bond under Subsection (a) shall immediately  
8 notify the defendant in writing, by regular mail addressed to the  
9 defendant at the defendant's last known address, that:

10 (1) a judgment of conviction and forfeiture of bond  
11 was entered against the defendant on a specified date and the  
12 forfeiture satisfies the defendant's fine and costs in the case;  
13 and

14 (2) the defendant has a right to a new trial in the  
15 case if the defendant applies for the new trial not later than the  
16 10th day after the date of judgment and forfeiture.

17 (c) Notwithstanding Article 45A.201, the defendant may file  
18 a motion for a new trial within the period provided by Subsection  
19 (b), and the court shall grant the motion if the motion is made  
20 within that period. On the new trial, the court shall permit the  
21 defendant to withdraw the previously entered plea of nolo  
22 contendere and waiver of jury trial. (Code Crim. Proc., Art.  
23 45.044.)

24 Art. 45A.257. WAIVER OF PAYMENT OF FINES AND COSTS. (a) A  
25 municipal court, regardless of whether the court is a court of  
26 record, or a justice court may waive payment of all or part of a fine  
27 imposed on a defendant if the court determines that:



1 (1) the defendant:

2 (A) is indigent or does not have sufficient  
3 resources or income to pay all or part of the fine; or

4 (B) was, at the time the offense was committed, a  
5 child as defined by Article 45A.453(a); and

6 (2) discharging the fine under Article 45A.254 or as  
7 otherwise authorized by this chapter would impose an undue hardship  
8 on the defendant.

9 (b) A municipal court, regardless of whether the court is a  
10 court of record, or a justice court may waive payment of all or part  
11 of the costs imposed on a defendant if the court determines that the  
12 defendant:

13 (1) is indigent or does not have sufficient resources  
14 or income to pay all or part of the costs; or

15 (2) was, at the time the offense was committed, a child  
16 as defined by Article 45A.453(a).

17 (c) A defendant is presumed to be indigent or to not have  
18 sufficient resources or income to pay all or part of the fines or  
19 costs for purposes of Subsection (a) or (b) if the defendant:

20 (1) is in the conservatorship of the Department of  
21 Family and Protective Services, or was in the conservatorship of  
22 that department at the time of the offense; or

23 (2) is designated, or was designated at the time of the  
24 offense, as a homeless child or youth or an unaccompanied youth, as  
25 those terms are defined by 42 U.S.C. Section 11434a.

26 (d) A determination of undue hardship made under Subsection  
27 (a)(2) is in the court's discretion. In making that determination,

1 the court may consider, as applicable, the defendant's:

2 (1) significant physical or mental impairment or  
3 disability;

4 (2) pregnancy and childbirth;

5 (3) substantial family commitments or  
6 responsibilities, including child or dependent care;

7 (4) work responsibilities and hours;

8 (5) transportation limitations;

9 (6) homelessness or housing insecurity; and

10 (7) any other factor the court determines relevant.

11 (Code Crim. Proc., Art. 45.0491.)

12 Art. 45A.258. RECONSIDERATION OF SATISFACTION OF FINES OR  
13 COSTS. (a) If the defendant notifies the justice or judge that the  
14 defendant has difficulty paying the fine and costs in compliance  
15 with the judgment, the justice or judge shall hold a hearing to  
16 determine whether the judgment imposes an undue hardship on the  
17 defendant.

18 (b) For purposes of Subsection (a), a defendant may notify  
19 the justice or judge by:

20 (1) voluntarily appearing and informing the justice or  
21 judge or the clerk of the court in the manner established by the  
22 justice or judge for that purpose;

23 (2) filing a motion with the justice or judge;

24 (3) mailing a letter to the justice or judge; or

25 (4) any other method established by the justice or  
26 judge for that purpose.

27 (c) If the justice or judge determines at a hearing under

1 Subsection (a) that the judgment imposes an undue hardship on the  
2 defendant, the justice or judge shall consider whether to allow the  
3 defendant to satisfy the fine and costs through one or more methods  
4 listed under Article 45A.252.

5 (d) The justice or judge may decline to hold a hearing under  
6 Subsection (a) if the justice or judge:

7 (1) previously held a hearing under that subsection  
8 with respect to the case and is able to determine without holding a  
9 hearing that the judgment does not impose an undue hardship on the  
10 defendant; or

11 (2) is able to determine without holding a hearing  
12 that:

13 (A) the judgment imposes an undue hardship on the  
14 defendant; and

15 (B) the fine and costs should be satisfied  
16 through one or more methods listed under Article 45A.252.

17 (e) The justice or judge retains jurisdiction for the  
18 purpose of making a determination under this article. (Code Crim.  
19 Proc., Art. 45.0445.)

20 Art. 45A.259. CAPIAS PRO FINE. (a) If the defendant is not  
21 in custody when the judgment is imposed or if the defendant fails to  
22 satisfy the judgment according to the terms of the judgment, the  
23 court may order a capias pro fine, as defined by Article 43.015,  
24 issued for the defendant's arrest.

25 (b) The capias pro fine ordered under Subsection (a) must:

26 (1) state the amount of the judgment and sentence; and

27 (2) command the appropriate peace officer to:

1 (A) bring the defendant before the court  
2 immediately; or

3 (B) place the defendant in jail until the first  
4 business day following the date of the defendant's arrest if the  
5 defendant cannot be brought before the court immediately.

6 (c) If the court that issued the *capias pro fine* is  
7 unavailable, the arresting officer may, in lieu of placing the  
8 defendant in jail, take the defendant to:

9 (1) a justice court or county criminal law magistrate  
10 court with jurisdiction over Class C misdemeanors that is located  
11 in the same county, if the court that issued the *capias pro fine* was  
12 a justice court; or

13 (2) a municipal court that is located in the same  
14 municipality, if the court that issued the *capias pro fine* was a  
15 municipal court.

16 (d) The court may not issue a *capias pro fine* for the  
17 defendant's failure to satisfy the judgment according to the terms  
18 of the judgment unless the court holds a hearing to determine  
19 whether the judgment imposes an undue hardship on the defendant and  
20 the defendant fails to:

21 (1) appear at the hearing; or

22 (2) comply with an order issued under Subsection (f)  
23 as a result of the hearing.

24 (e) If the justice or judge determines at the hearing under  
25 Subsection (d) that the judgment imposes an undue hardship on the  
26 defendant, the justice or judge shall determine whether the fine  
27 and costs should be satisfied through one or more methods listed

1 under Article 45A.252. The justice or judge retains jurisdiction  
2 for the purpose of making a determination under this subsection.

3 (f) If the justice or judge determines at the hearing under  
4 Subsection (d) that the judgment does not impose an undue hardship  
5 on the defendant, the justice or judge shall order the defendant to  
6 comply with the judgment not later than the 30th day after the date  
7 that determination is made.

8 (g) The court shall recall a *capias pro fine* if, before the  
9 *capias pro fine* is executed, the defendant:

10 (1) provides notice to the justice or judge under  
11 Article 45A.258 and a hearing is set under that article; or

12 (2) voluntarily appears and makes a good faith effort  
13 to resolve the *capias pro fine*.

14 (h) A *capias pro fine* may not be issued for a person  
15 convicted for an offense committed before the person's 17th  
16 birthday unless:

17 (1) the person is 17 years of age or older;

18 (2) the court finds that the issuance of the *capias pro*  
19 *fine* is justified after considering:

20 (A) the sophistication and maturity of the  
21 person;

22 (B) the criminal record and history of the  
23 person; and

24 (C) the reasonable likelihood of bringing about  
25 the discharge of the judgment through the use of procedures and  
26 services currently available to the court; and

27 (3) the court has proceeded under Article 45A.461 to

1 compel the person to discharge the judgment.

2 (i) This article does not limit the authority of a court to  
3 order a child taken into custody under Article 45A.453 or 45A.455.  
4 (Code Crim. Proc., Arts. 45.045(a), (a-1) as added Acts 84th Leg.,  
5 R.S., Ch. 1171, (a-2), (a-3), (a-4), (a-5), (b), (c).)

6 Art. 45A.260. APPEARANCE BY TELEPHONE OR VIDEOCONFERENCE.  
7 If the justice or judge determines that requiring a defendant to  
8 appear before the justice or judge in person for a hearing under  
9 Article 45A.258 or 45A.259 would impose an undue hardship on the  
10 defendant, the justice or judge may allow the defendant to appear by  
11 telephone or videoconference. (Code Crim. Proc., Art. 45.0201.)

12 Art. 45A.261. COMMITMENT. (a) If a judgment and sentence  
13 have been entered against a defendant and the defendant defaults in  
14 the discharge of the judgment, the judge may order the defendant  
15 confined in jail until discharged by law if the judge at a hearing  
16 makes a written determination that:

17 (1) the defendant is not indigent and has failed to  
18 make a good faith effort to discharge the fines or costs; or

19 (2) the defendant is indigent and:

20 (A) has failed to make a good faith effort to  
21 discharge the fines or costs under Article 45A.254; and

22 (B) could have discharged the fines or costs  
23 under Article 45A.254 without experiencing any undue hardship.

24 (b) A certified copy of the judgment, sentence, and order is  
25 sufficient to authorize confinement under Subsection (a).

26 (c) For purposes of a hearing described by Subsection (a), a  
27 defendant may be brought before the court in person or by means of

1 an electronic broadcast system through which an image of the  
2 defendant is presented to the court. For purposes of this  
3 subsection, "electronic broadcast system" means a two-way  
4 electronic communication of image and sound between the defendant  
5 and the court and includes secure Internet videoconferencing.

6 (d) For purposes of a hearing described by Subsection (a),  
7 if the court that issued the *capias pro fine* is unavailable, the  
8 following may conduct the hearing:

9 (1) a justice court or county criminal law magistrate  
10 court with jurisdiction over Class C misdemeanors that is located  
11 in the same county as the issuing court, if the issuing court was a  
12 justice court; or

13 (2) a municipal court that is located in the same  
14 municipality as the issuing court, if the issuing court was a  
15 municipal court. (Code Crim. Proc., Arts. 45.046(a), (b), (c), (d)  
16 as added Acts 84th Leg., R.S., Ch. 1171.)

17 Art. 45A.262. DISCHARGED FROM JAIL. (a) A defendant placed  
18 in jail due to failure to pay the fine and costs shall be discharged  
19 on habeas corpus by showing that the defendant:

20 (1) is indigent and cannot pay the fine and costs; or

21 (2) has remained in jail for a cumulative period that  
22 is sufficient to satisfy the fine and costs, at the rate of not less  
23 than \$150 for each separate period served, as specified by the  
24 convicting court in the judgment in the case.

25 (b) A convicting court may specify a period that is not less  
26 than eight hours or more than 24 hours as the period for which a  
27 defendant who fails to pay the fine and costs in the case must

1 remain in jail to satisfy \$150 of the fine and costs. (Code Crim.  
2 Proc., Art. 45.048.)

3 Art. 45A.263. CIVIL COLLECTION OF FINES AND COSTS AFTER  
4 JUDGMENT. If, after a judgment and sentence is entered, the  
5 defendant defaults in payment of a fine, the justice or judge may  
6 order the fine and costs collected by execution against the  
7 defendant's property in the same manner as a judgment in a civil  
8 suit. (Code Crim. Proc., Art. 45.047.)

9 Art. 45A.264. COLLECTION OF FINES AND COSTS BY  
10 MUNICIPALITY. (a) The governing body of each municipality shall by  
11 ordinance prescribe rules as proper to enforce the collection of  
12 fines imposed by a municipal court.

13 (b) In addition to any other method of enforcement, the  
14 municipality may enforce the collection of fines by:

15 (1) execution against the property of the defendant;

16 or

17 (2) confinement of the defendant.

18 (c) The governing body of a municipality may adopt rules  
19 concerning the practice and procedure in the municipal court that  
20 the governing body considers proper.

21 (d) After notice, the governing body of a municipality may  
22 by ordinance prescribe the collection of a fine not to exceed \$25  
23 for an offense under Section 38.10(e), Penal Code, or Section  
24 543.009, Transportation Code. Money collected from the fine shall  
25 be paid into the municipal treasury for the use and benefit of the  
26 municipality.

27 (e) Costs may not be imposed or collected in criminal cases



1 in municipal court by municipal ordinance. (Code Crim. Proc., Art.  
2 45.203.)

3 SUBCHAPTER G. DEFERRED DISPOSITION

4 Art. 45A.301. APPLICABILITY. This subchapter does not  
5 apply to:

6 (1) an offense to which Section 542.404,  
7 Transportation Code, applies; or

8 (2) a violation of a state law or local ordinance  
9 relating to motor vehicle control, other than a parking violation,  
10 committed by a person who:

11 (A) holds a commercial driver's license; or

12 (B) held a commercial driver's license when the  
13 offense was committed. (Code Crim. Proc., Art. 45.051(f).)

14 Art. 45A.302. DEFERRED DISPOSITION. (a) On a plea of  
15 guilty or nolo contendere by a defendant or on a finding of guilt in  
16 a misdemeanor case punishable by fine only and payment of all court  
17 costs, a judge may defer further proceedings for a period not to  
18 exceed 180 days without entering an adjudication of guilt.

19 (b) In issuing the order of deferral, the judge may impose a  
20 fine on the defendant in an amount not to exceed the amount of the  
21 fine that could be imposed on the defendant as punishment for the  
22 offense.

23 (c) The fine described by Subsection (b) may be collected at  
24 any time before the date on which the period of deferral ends. A  
25 judge who orders the collection of the fine must require that the  
26 amount of the fine be credited toward the payment of the amount of  
27 any fine imposed by the judge as punishment for the offense.

1 (d) The judge may elect not to impose the fine for good cause  
2 shown by the defendant.

3 (e) An order of deferral under this article terminates any  
4 liability under a bond given for the charge. (Code Crim. Proc.,  
5 Art. 45.051(a).)

6 Art. 45A.303. DEFERRED DISPOSITION REQUIREMENTS. (a)  
7 Notwithstanding any other law, as an alternative to requiring a  
8 defendant charged with one or more offenses to pay all fines and  
9 court costs as required by Article 45A.302, the judge may:

10 (1) allow the defendant to enter into an agreement to  
11 pay those fines and costs in installments during the defendant's  
12 period of deferral;

13 (2) require an eligible defendant to discharge all or  
14 part of those fines and costs by performing community service or  
15 attending a tutoring program under Article 45A.254 or 45A.460;

16 (3) waive all or part of those fines and costs under  
17 Article 45A.257; or

18 (4) take any combination of actions authorized by  
19 Subdivision (1), (2), or (3).

20 (b) During the deferral period, the judge may require the  
21 defendant to:

22 (1) secure payment of the fine by posting a bond in  
23 the amount of the fine assessed as punishment for the offense;

24 (2) pay restitution to the victim of the offense in an  
25 amount not to exceed the amount of the fine assessed as punishment  
26 for the offense;

27 (3) submit to professional counseling;

1           (4) submit to diagnostic testing for alcohol or a  
2 controlled substance or drug;

3           (5) submit to a psychosocial assessment;

4           (6) successfully complete an alcohol or drug abuse  
5 treatment or education program, such as:

6                 (A) a drug education program that is designed to  
7 educate persons on the dangers of drug abuse in accordance with  
8 Section 521.374(a)(1), Transportation Code, and that is regulated  
9 by the Texas Department of Licensing and Regulation under Chapter  
10 171, Government Code; or

11                (B) an alcohol awareness program described by  
12 Section 106.115, Alcoholic Beverage Code, that is regulated by the  
13 Texas Department of Licensing and Regulation under Chapter 171,  
14 Government Code;

15           (7) pay the costs of any diagnostic testing,  
16 psychosocial assessment, or treatment or education program  
17 participation as reimbursement fees:

18                 (A) directly; or

19                 (B) through the court as court costs;

20           (8) complete a driving safety course approved under  
21 Chapter 1001, Education Code, or another course as directed by the  
22 judge;

23           (9) present to the court satisfactory evidence that  
24 the defendant has complied with each requirement imposed by the  
25 judge under this subchapter; and

26           (10) comply with any other reasonable condition.

27           (c) A judge who requires a defendant to successfully

1 complete an alcohol awareness program or drug education program as  
2 described by Subsection (b)(6) shall require the defendant to pay a  
3 reimbursement fee for the cost of the program, unless the judge  
4 determines that the defendant is indigent and unable to pay the  
5 cost.

6 (d) The judge may allow the defendant to pay the fee  
7 described by Subsection (c) in installments during the deferral  
8 period. (Code Crim. Proc., Arts. 45.051(a-1), (b), (g).)

9 Art. 45A.304. DEFERRED DISPOSITION REQUIREMENTS: MOVING  
10 VIOLATION COMMITTED BY YOUNG DEFENDANT. (a) This article applies  
11 to a defendant who:

- 12 (1) is younger than 25 years of age; and  
13 (2) committed a traffic offense classified as a moving  
14 violation.

15 (b) Notwithstanding Article 45A.303(b)(8), during a  
16 deferral period ordered under this subchapter, the judge shall  
17 require that a defendant described by Subsection (a):

- 18 (1) complete a driving safety course approved under  
19 Chapter 1001, Education Code; and  
20 (2) if the defendant holds a provisional license, be  
21 examined by the Department of Public Safety as required by Section  
22 521.161(b)(2), Transportation Code.

23 (c) A defendant remains subject to the examination required  
24 by Subsection (b)(2) regardless of whether the defendant was  
25 examined previously.

26 (d) A defendant examined as required by Subsection (b)(2)  
27 must pay a \$10 reimbursement fee for the examination.

1           (e) The reimbursement fee collected under Subsection (d)  
2 must be deposited to the credit of a special account in the general  
3 revenue fund and may be used only by the Department of Public Safety  
4 for the administration of Chapter 521, Transportation Code. (Code  
5 Crim. Proc., Arts. 45.051(b-1), (b-2), (b-3).)

6           Art. 45A.305. DISMISSAL OF COMPLAINT ON COMPLIANCE WITH  
7 JUDICIAL REQUIREMENTS. (a) On determining that the defendant has  
8 complied with the requirements imposed by the judge under this  
9 subchapter, the judge shall dismiss the complaint.

10           (b) If a complaint is dismissed under Subsection (a), there  
11 is not a final conviction and the complaint may not be used against  
12 the person for any purpose.

13           (c) The docket must clearly note that the judge dismissed  
14 the complaint and that there is not a final conviction.

15           (d) Records relating to a complaint dismissed as provided by  
16 Subsection (a) may be expunged under Subchapter A, B, or C, Chapter  
17 55A. (Code Crim. Proc., Arts. 45.051(c), (e).)

18           Art. 45A.306. SHOW CAUSE HEARING ON FAILURE TO COMPLY WITH  
19 JUDICIAL REQUIREMENTS. If the defendant fails to present within  
20 the deferral period satisfactory evidence of compliance with the  
21 requirements imposed by the judge under this subchapter, the court  
22 shall:

23                   (1) notify the defendant in writing, mailed to the  
24 address on file with the court or appearing on the notice to appear,  
25 of that failure; and

26                   (2) require the defendant to appear at the time and  
27 place stated in the notice to show cause why the order of deferral

1 should not be revoked. (Code Crim. Proc., Art. 45.051(c-1).)

2 Art. 45A.307. JUDICIAL ACTIONS ON SHOW CAUSE HEARING. (a)  
3 On the defendant's showing of good cause for failure to present  
4 satisfactory evidence of compliance with the requirements imposed  
5 by the judge under this subchapter, the court may allow an  
6 additional period during which the defendant may present evidence  
7 of the defendant's compliance with the requirements.

8 (b) Except as provided by Subsection (c), if on the date of a  
9 show cause hearing under Article 45A.306 or, if applicable, by the  
10 conclusion of an additional period provided under Subsection (a),  
11 the defendant does not present satisfactory evidence that the  
12 defendant complied with the requirements imposed by the judge under  
13 this subchapter, the judge may impose the fine assessed or a lesser  
14 fine. The imposition of the fine or lesser fine constitutes a final  
15 conviction of the defendant.

16 (c) If the defendant was required to complete a driving  
17 safety course or an examination under Article 45A.304(b) and on the  
18 date of a show cause hearing under Article 45A.306 or, if  
19 applicable, by the conclusion of an additional period provided  
20 under Subsection (a), the defendant does not present satisfactory  
21 evidence that the defendant completed that course or examination,  
22 the judge shall impose the fine assessed. The imposition of the  
23 fine constitutes a final conviction of the defendant. (Code Crim.  
24 Proc., Arts. 45.051(c-2), (d) (part), (d-1).)

25 SUBCHAPTER H. DRIVING SAFETY OR MOTORCYCLE OPERATOR COURSE

26 DISMISSAL

27 Art. 45A.351. APPLICABILITY. (a) Except as provided by

1 Subsections (b) and (c), this subchapter applies only to an alleged  
2 offense that:

3 (1) is within the jurisdiction of a justice or  
4 municipal court;

5 (2) involves the operation of a motor vehicle; and

6 (3) is defined by:

7 (A) Section 472.022, Transportation Code;

8 (B) Subtitle C, Title 7, Transportation Code; or

9 (C) Section 729.001(a)(3), Transportation Code.

10 (b) If the defendant is younger than 25 years of age, this  
11 subchapter applies to any alleged offense that:

12 (1) is within the jurisdiction of a justice or  
13 municipal court;

14 (2) involves the operation of a motor vehicle; and

15 (3) is classified as a moving violation.

16 (c) This subchapter does not apply to an offense committed  
17 by a person who:

18 (1) holds a commercial driver's license; or

19 (2) held a commercial driver's license when the  
20 offense was committed. (Code Crim. Proc., Arts. 45.0511(a), (a-1),  
21 (s); New.)

22 Art. 45A.352. DRIVING SAFETY OR MOTORCYCLE OPERATOR  
23 TRAINING COURSE COMPLETION. (a) The judge shall require a  
24 defendant to successfully complete a driving safety course approved  
25 by the Texas Department of Licensing and Regulation or a course  
26 under the motorcycle operator training and safety program approved  
27 by the designated state agency under Chapter 662, Transportation

1 Code, if:

2 (1) the defendant elects driving safety course or  
3 motorcycle operator training course dismissal under this  
4 subchapter;

5 (2) the defendant:

6 (A) has a Texas driver's license or permit; or

7 (B) is a member, or the spouse or dependent child  
8 of a member, of the United States military forces serving on active  
9 duty;

10 (3) either:

11 (A) the defendant has not completed an approved  
12 driving safety course or motorcycle operator training course, as  
13 appropriate, within the 12-month period preceding the date of the  
14 offense; or

15 (B) the defendant:

16 (i) does not have a Texas driver's license  
17 or permit;

18 (ii) is a member, or the spouse or dependent  
19 child of a member, of the United States military forces serving on  
20 active duty; and

21 (iii) has not completed a driving safety  
22 course or motorcycle operator training course, as appropriate, in  
23 another state within the 12-month period preceding the date of the  
24 offense;

25 (4) on or before the answer date on the notice to  
26 appear, the defendant enters, under Article 45A.151(a), a plea of  
27 nolo contendere or guilty in person or in writing and:



1 (A) presents in person or by counsel to the court  
2 a request to take a course; or

3 (B) sends to the court by certified mail, return  
4 receipt requested, postmarked on or before the answer date on the  
5 notice to appear, a written request to take a course;

6 (5) the defendant is charged with an offense to which  
7 this subchapter applies, other than speeding at a speed of:

8 (A) 95 miles per hour or more; or

9 (B) 25 miles per hour or more over the posted  
10 speed limit; and

11 (6) the defendant provides evidence of financial  
12 responsibility as required by Chapter 601, Transportation Code.

13 (b) The court may dismiss only one charge for each  
14 completion of a course described by Subsection (a).

15 (c) Notwithstanding Subsections (a)(3) and (4), before the  
16 final disposition of the case, the court may grant a request to take  
17 a driving safety course or a motorcycle operator training course  
18 under this subchapter.

19 (d) A request to take a driving safety course or motorcycle  
20 operator training course made at or before the time and at the place  
21 at which a defendant is required to appear in court is an appearance  
22 in compliance with the defendant's promise to appear. (Code Crim.  
23 Proc., Arts. 45.0511(b), (d), (e), (m).)

24 Art. 45A.353. CERTAIN DEFENDANTS ENTITLED TO COMPLETE  
25 DRIVING SAFETY OR MOTORCYCLE OPERATOR TRAINING COURSE. The court  
26 shall advise a defendant charged with a misdemeanor under Section  
27 472.022, Transportation Code, Subtitle C, Title 7, Transportation

1 Code, or Section 729.001(a)(3), Transportation Code, committed  
2 while operating a motor vehicle of the defendant's right under this  
3 subchapter to successfully complete a driving safety course or, if  
4 the offense was committed while operating a motorcycle, a  
5 motorcycle operator training course. The right to complete a  
6 course does not apply to a defendant charged with:

7 (1) a violation of Section 545.066, 550.022, or  
8 550.023, Transportation Code;

9 (2) a serious traffic violation; or

10 (3) an offense to which Section 542.404,  
11 Transportation Code, applies. (Code Crim. Proc., Art. 45.0511(p).)

12 Art. 45A.354. CONTENT OF NOTICE TO APPEAR. (a) A notice to  
13 appear issued for an offense to which this subchapter applies must  
14 inform a defendant charged with an offense under Section 472.022,  
15 Transportation Code, an offense under Subtitle C, Title 7,  
16 Transportation Code, or an offense under Section 729.001(a)(3),  
17 Transportation Code, committed while operating a motor vehicle of  
18 the defendant's right to complete a driving safety course or, if the  
19 offense was committed while operating a motorcycle, of the  
20 defendant's right to complete a motorcycle operator training  
21 course. The notice required by this subsection must read  
22 substantially as follows:

23 "You may be able to require that this charge be dismissed by  
24 successfully completing a driving safety course or a motorcycle  
25 operator training course. You will lose that right if, on or before  
26 your appearance date, you do not provide the court with notice of  
27 your request to take the course."

1           (b) If the notice required by Subsection (a) is not provided  
2 to the defendant charged with the offense, the defendant may  
3 continue to exercise the defendant's right to take a driving safety  
4 course or a motorcycle operator training course until the notice  
5 required by Subsection (a) is provided to the defendant or there is  
6 a final disposition of the case. (Code Crim. Proc., Arts.  
7 45.0511(q), (r).)

8           Art. 45A.355. EXTENSION FOR GOOD CAUSE. On a defendant's  
9 showing of good cause for failure to provide evidence to the court,  
10 the court may allow an additional period during which the defendant  
11 may present:

12           (1) a uniform certificate of course completion as  
13 evidence that the defendant successfully completed the driving  
14 safety course; or

15           (2) a verification of course completion as evidence  
16 that the defendant successfully completed the motorcycle operator  
17 training course. (Code Crim. Proc., Art. 45.0511(k).)

18           Art. 45A.356. JUDICIAL ACTIONS FOLLOWING PLEA; SHOW CAUSE  
19 HEARING. (a) The court shall enter judgment on a defendant's plea  
20 of nolo contendere or guilty at the time the plea is made, defer  
21 imposition of the judgment, and allow the defendant a 90-day period  
22 to successfully complete the approved driving safety course or  
23 motorcycle operator training course and present to the court:

24           (1) a uniform certificate of completion of the driving  
25 safety course or a verification of completion of the motorcycle  
26 operator training course;

27           (2) unless the judge proceeds under Article 45A.359,

1 the defendant's driving record as maintained by the Department of  
2 Public Safety, if any, showing that the defendant has not completed  
3 an approved driving safety course or motorcycle operator training  
4 course, as applicable, within the 12-month period preceding the  
5 date of the offense;

6 (3) an affidavit stating that the defendant:

7 (A) was not taking a driving safety course or  
8 motorcycle operator training course, as applicable, under this  
9 subchapter on the date the request to take the course was made; and

10 (B) has not completed, within the 12-month period  
11 preceding the date of the offense, a course described by Paragraph  
12 (A) that is not shown on the defendant's driving record; and

13 (4) if the defendant does not have a Texas driver's  
14 license or permit and is a member, or the spouse or dependent child  
15 of a member, of the United States military forces serving on active  
16 duty, an affidavit stating that the defendant:

17 (A) was not taking a driving safety course or  
18 motorcycle operator training course, as applicable, in another  
19 state on the date the request to take the course was made; and

20 (B) has not completed a course described by  
21 Paragraph (A) within the 12-month period preceding the date of the  
22 offense.

23 (b) If the judge proceeds under Article 45A.359 and the copy  
24 of the defendant's driving record provided to the judge under  
25 Subsection (c) of that article shows that the defendant has not  
26 completed an approved driving safety course or motorcycle operator  
27 training course, as applicable, within the 12-month period

1 preceding the date of the offense, the judge shall allow the  
2 defendant to complete the appropriate course as provided by this  
3 article.

4 (c) If a defendant satisfies the requirements of Subsection  
5 (a), the court shall:

6 (1) remove the judgment and dismiss the charge;

7 (2) report the fact that the defendant successfully  
8 completed a driving safety course or a motorcycle operator training  
9 course and the date of completion to the Department of Public Safety  
10 for inclusion in the defendant's driving record; and

11 (3) state in the report under Subdivision (2) whether  
12 the course was taken under this subchapter to provide information  
13 necessary to determine eligibility to take a subsequent course  
14 under Article 45A.352(a).

15 (d) An order of deferral under Subsection (a) terminates any  
16 liability under a bond given for the charge.

17 (e) If a defendant requesting a course under this subchapter  
18 fails to satisfy the requirements of Subsection (a), the court  
19 shall:

20 (1) notify the defendant in writing, mailed to the  
21 address on file with the court or appearing on the notice to appear,  
22 of that failure; and

23 (2) require the defendant to appear at the time and  
24 place stated in the notice to show cause why the evidence was not  
25 timely submitted to the court.

26 (f) If the defendant fails to appear at the time and place  
27 stated in the notice under Subsection (e), or appears at the time

1 and place stated in the notice but does not show good cause for the  
2 defendant's failure to satisfy the requirements of Subsection (a),  
3 the court shall enter an adjudication of guilt and impose sentence.  
4 (Code Crim. Proc., Arts. 45.0511(c), (c-1) (part), (i), (j), (l),  
5 (t).)

6 Art. 45A.357. EFFECT OF DISMISSAL OR COURSE COMPLETION.

7 (a) A charge that is dismissed under this subchapter may not be  
8 part of a person's driving record or used for any purpose.

9 (b) An insurer delivering or issuing for delivery a motor  
10 vehicle insurance policy in this state may not cancel or increase  
11 the premium charged an insured under the policy because the  
12 insured:

13 (1) completed a driving safety course or a motorcycle  
14 operator training course; or

15 (2) had a charge dismissed under this subchapter.  
16 (Code Crim. Proc., Arts. 45.0511(n), (o).)

17 Art. 45A.358. ADDITIONAL FINES AND FEES RELATING TO COURSE

18 REQUEST. (a) In addition to court costs and fees authorized or  
19 imposed by a law of this state and applicable to the offense, the  
20 court may:

21 (1) require a defendant requesting a driving safety  
22 course or motorcycle operator training course under Article  
23 45A.352(a) to pay a reimbursement fee in an amount of not more than  
24 \$10 to cover the cost of administering this subchapter; or

25 (2) require a defendant requesting a driving safety  
26 course or motorcycle operator training course under Article  
27 45A.352(c) to pay a fine set by the court in an amount not to exceed

1 the maximum amount of the fine for the offense committed by the  
2 defendant.

3 (b) A defendant who requests but does not take a driving  
4 safety course or motorcycle operator training course is not  
5 entitled to a refund of the reimbursement fee or fine assessed under  
6 Subsection (a).

7 (c) Money collected by a municipal court shall be deposited  
8 in the municipal treasury. Money collected by another court shall  
9 be deposited in the county treasury of the county in which the court  
10 is located. (Code Crim. Proc., Arts. 45.0511(f), (g), (h).)

11 Art. 45A.359. DRIVING RECORD RETRIEVAL AND RELATED FEE.

12 (a) In this article, "state electronic Internet portal" has the  
13 meaning assigned by Section 2054.003, Government Code.

14 (b) As an alternative to receiving the defendant's driving  
15 record under Article 45A.356(a)(2), the judge, at the time the  
16 defendant requests a driving safety course or motorcycle operator  
17 training course dismissal under this subchapter, may:

18 (1) require the defendant to pay a reimbursement fee  
19 in an amount equal to the sum of the amount of:

20 (A) the fee established by Section 521.048,  
21 Transportation Code; and

22 (B) the state electronic Internet portal fee; and

23 (2) use the state electronic Internet portal to  
24 request that the Department of Public Safety provide the judge with  
25 a copy of the defendant's driving record showing the information  
26 described by Section 521.047(b), Transportation Code.

27 (c) As soon as practicable, the Department of Public Safety

1 shall use the state electronic Internet portal to provide the judge  
2 with the requested copy of the defendant's driving record.

3 (d) The reimbursement fee authorized by Subsection (b) is in  
4 addition to any other fee required under this subchapter.

5 (e) The custodian of a municipal or county treasury who  
6 receives reimbursement fees collected under this article shall keep  
7 a record of the fees and, without deduction or proration, forward  
8 the fees to the comptroller with and in the manner required for  
9 other fees and costs received in connection with criminal cases.

10 (f) The comptroller shall credit fees collected under  
11 Subsection (e) to the Department of Public Safety. (Code Crim.  
12 Proc., Art. 45.0511(c-1) (part).)

13 SUBCHAPTER I. OTHER DISMISSALS

14 Art. 45A.401. DISMISSAL OF MISDEMEANOR CHARGE ON COMPLETION  
15 OF TEEN COURT PROGRAM. (a) This article applies only to a  
16 defendant who is:

17 (1) younger than 18 years of age; or

18 (2) enrolled full time in an accredited secondary  
19 school in a program leading toward a high school diploma.

20 (b) A justice or municipal court may defer proceedings  
21 against a defendant described by Subsection (a) for a period not to  
22 exceed 180 days if the defendant:

23 (1) is charged with an offense that the court has  
24 jurisdiction of under Article 4.11 or 4.14;

25 (2) with the defendant's parent, guardian, or managing  
26 conservator present, pleads nolo contendere or guilty to the  
27 offense in open court;



1           (3) presents to the court an oral or written request to  
2 attend a teen court program or is recommended to attend the program  
3 by a school employee under Section 37.146, Education Code; and

4           (4) has not successfully completed a teen court  
5 program in the year preceding the date that the alleged offense  
6 occurred.

7           (c) The court must approve the teen court program.

8           (d) A defendant for whom proceedings are deferred under  
9 Subsection (b) must complete the teen court program not later than  
10 the earlier of:

11           (1) the 90th day after the date the teen court hearing  
12 to determine punishment is held; or

13           (2) the last day of the deferral period.

14           (e) The justice or municipal court shall dismiss the charge  
15 at the time the defendant presents satisfactory evidence that the  
16 defendant has successfully completed the teen court program.

17           (f) A charge dismissed under this article may not be part of  
18 the defendant's criminal record or driving record or used for any  
19 purpose, except that if the charge was for a traffic offense, the  
20 court shall report to the Department of Public Safety the fact that  
21 the defendant successfully completed the teen court program and the  
22 date of completion for inclusion in the defendant's driving record.

23           (g) The justice or municipal court may require a defendant  
24 who requests a teen court program to pay a reimbursement fee in an  
25 amount not to exceed \$10 that is set by the court to cover the costs  
26 of administering this article. Reimbursement fees collected by a  
27 municipal court shall be deposited in the municipal treasury, and

1 reimbursement fees collected by a justice court shall be deposited  
2 in the county treasury of the county in which the court is located.

3 (h) A defendant who requests a teen court program and fails  
4 to complete the program is not entitled to a refund of the  
5 reimbursement fee under Subsection (g).

6 (i) A court may transfer a case in which proceedings have  
7 been deferred under this article to a court in another county if  
8 that court consents to the transfer and has jurisdiction over the  
9 case.

10 (j) In addition to the reimbursement fee authorized by  
11 Subsection (g), the court may require a defendant who requests a  
12 teen court program to pay a \$10 reimbursement fee to cover the  
13 program's cost for performing duties under this article. The court  
14 shall pay the fee to the teen court program, and the teen court  
15 program must account to the court for the receipt and disbursement of  
16 the fee.

17 (k) A defendant who pays a fee under Subsection (j) is not  
18 entitled to a refund of the fee, regardless of whether the defendant  
19 successfully completes the teen court program.

20 (l) A justice or municipal court may exempt a defendant for  
21 whom proceedings are deferred under this article from the  
22 requirement to pay a court cost or fee imposed by another statute.

23 (m) Notwithstanding Subsection (g) or (j), a justice or  
24 municipal court that is located in the Texas-Louisiana border  
25 region, as defined by Section 2056.002, Government Code, may charge  
26 a reimbursement fee of \$20 under those subsections. (Code Crim.  
27 Proc., Art. 45.052.)

1           Art. 45A.402. DISMISSAL OF COMPLAINT ON COMMITMENT OF  
2 PERSON WITH CHEMICAL DEPENDENCY. (a) On a plea of guilty or nolo  
3 contendere by a defendant or on a finding of guilt in a misdemeanor  
4 case punishable by fine only, a justice or municipal court may defer  
5 further proceedings for a 90-day period without entering an  
6 adjudication of guilt if:

7                   (1) the court finds that the offense resulted from or  
8 was related to the defendant's chemical dependency; and

9                   (2) an application for court-ordered treatment of the  
10 defendant is filed in accordance with Chapter 462, Health and  
11 Safety Code.

12           (b) At the end of the deferral period, the justice or  
13 municipal court shall dismiss the complaint if satisfactory  
14 evidence is presented that the defendant was committed for and  
15 completed court-ordered treatment in accordance with Chapter 462,  
16 Health and Safety Code. If a complaint is dismissed under this  
17 subsection, there is not a final conviction and the complaint may  
18 not be used against the person for any purpose. The docket must  
19 clearly note that the court dismissed the complaint and that there  
20 is not a final conviction. Records relating to a complaint  
21 dismissed under this subsection may be expunged under Subchapter A,  
22 B, or C, Chapter 55A.

23           (c) If at the conclusion of the deferral period satisfactory  
24 evidence described by Subsection (b) is not presented, the justice  
25 or municipal court may impose the fine assessed or a lesser fine.  
26 The imposition of the fine constitutes a final conviction of the  
27 defendant. (Code Crim. Proc., Art. 45.053.)

1           Art. 45A.403. DISMISSAL OF PARENT CONTRIBUTING TO  
2 NONATTENDANCE CHARGE. Notwithstanding any other law, a county,  
3 justice, or municipal court may dismiss a charge against a  
4 defendant alleging the defendant committed an offense under Section  
5 25.093, Education Code, if the court finds that a dismissal would be  
6 in the interest of justice because:

7           (1) there is a low likelihood of recidivism by the  
8 defendant; or

9           (2) sufficient justification exists for the failure of  
10 the defendant's child to attend school. (Code Crim. Proc., Art.  
11 45.0531.)

12                           SUBCHAPTER J. CASES INVOLVING JUVENILES

13           Art. 45A.451. JUVENILE CASE MANAGERS. (a) On approval of  
14 the commissioners court, governing body of a municipality, school  
15 district board of trustees, juvenile board, or other appropriate  
16 authority, a county court, justice court, municipal court, school  
17 district, juvenile probation department, or other appropriate  
18 governmental entity may:

19           (1) employ a case manager to provide services:

20                           (A) in cases involving juvenile offenders who are  
21 before a court consistent with the court's statutory powers; or

22                           (B) to a juvenile who is referred to a court by a  
23 school administrator or designee for misconduct that would  
24 otherwise be within the court's statutory powers before a case is  
25 filed, with the consent of the juvenile and the juvenile's parents  
26 or guardians;

27           (2) employ one or more juvenile case managers who:

1                   (A) shall assist the court in administering the  
2 court's juvenile docket and in supervising the court's orders in  
3 juvenile cases; and

4                   (B) may provide:

5                   (i) prevention services to a child  
6 considered at risk of entering the juvenile justice system; and

7                   (ii) intervention services to a juvenile  
8 engaged in misconduct, excluding traffic offenses, if a case has  
9 not yet been filed with respect to the misconduct; or

10                  (3) agree in accordance with Chapter 791, Government  
11 Code, with any appropriate governmental entity to jointly employ a  
12 case manager or to jointly contribute to the costs of a case manager  
13 employed by one governmental entity to provide services described  
14 by Subdivisions (1) and (2).

15                  (a-1) A county or justice court on approval of the  
16 commissioners court or a municipality or municipal court on  
17 approval of the governing body of the municipality may employ one or  
18 more juvenile case managers who:

19                   (1) shall assist the court in administering the  
20 court's juvenile docket and in supervising the court's orders in  
21 juvenile cases; and

22                   (2) may provide:

23                   (A) prevention services to a child considered at  
24 risk of entering the juvenile justice system; and

25                   (B) intervention services to a juvenile engaged  
26 in misconduct, excluding traffic offenses, if a case has not yet  
27 been filed with respect to the misconduct.

1           (b) A local entity may apply or more than one local entity  
2 may jointly apply to the criminal justice division of the  
3 governor's office for reimbursement of all or part of the costs of  
4 employing one or more juvenile case managers from funds  
5 appropriated to the governor's office or otherwise available for  
6 that purpose.

7           (c) To be eligible for reimbursement under Subsection (b),  
8 the entity applying must present to the governor's office a  
9 comprehensive plan to reduce juvenile offenses in the entity's  
10 jurisdiction. The plan must address the role of the case manager in  
11 that effort.

12           (d) An entity that jointly employs a case manager under  
13 Subsection (a)(3) employs a juvenile case manager for purposes of  
14 Chapter 102.

15           (e) The court or governing body may pay, from the local  
16 truancy prevention and diversion fund established under Section  
17 134.156, Local Government Code:

18                 (1) the salary and benefits of a juvenile case  
19 manager; and

20                 (2) the costs of training, travel, office supplies,  
21 and other necessary expenses relating to the position of the  
22 juvenile case manager.

23           (f) A juvenile case manager employed under Subsection (a-1)  
24 shall give priority to cases brought under Section 25.093,  
25 Education Code.

26           (g) The governing body of the employing governmental entity  
27 under Subsection (a) shall adopt reasonable rules for juvenile case

1 managers that provide for:

2 (1) a code of ethics and the enforcement of the code of  
3 ethics;

4 (2) appropriate educational preservice and in-service  
5 training standards for juvenile case managers; and

6 (3) training in:

7 (A) the role of the juvenile case manager;

8 (B) case planning and management;

9 (C) applicable procedural and substantive law;

10 (D) courtroom proceedings and presentation;

11 (E) services to at-risk youth under Subchapter D,  
12 Chapter 264, Family Code;

13 (F) local programs and services for juveniles and  
14 methods by which juveniles may access those programs and services;  
15 and

16 (G) detecting and preventing abuse,  
17 exploitation, and neglect of juveniles.

18 (h) The employing court or governmental entity under this  
19 article shall implement the rules adopted under Subsection (g).

20 (i) The commissioners court or governing body of the  
21 municipality that administers a local truancy prevention and  
22 diversion fund under Section 134.156, Local Government Code, shall  
23 require periodic review of juvenile case managers to ensure the  
24 implementation of the rules adopted under Subsection (g).

25 (j) The juvenile case manager shall timely report to the  
26 judge who signed the applicable order or judgment and, on request,  
27 to the judge assigned to the case or the presiding judge any

1 information or recommendations relevant to assisting the judge in  
2 making decisions that are in the best interest of the child.

3 (k) The judge who is assigned to the case shall consult with  
4 the juvenile case manager who is supervising the case regarding:

5 (1) the child's home environment;

6 (2) the child's developmental, psychological, and  
7 educational status;

8 (3) the child's previous interaction with the justice  
9 system; and

10 (4) any sanctions available to the court that would be  
11 in the best interest of the child.

12 (1) Subsections (j) and (k) do not apply to:

13 (1) a part-time judge; or

14 (2) a county judge of a county court that has one or  
15 more appointed full-time magistrates under Section 54.1172,  
16 Government Code. (Code Crim. Proc., Art. 45.056.)

17 Art. 45A.452. PLEA; APPEARANCE BY DEFENDANT AND PARENT.

18 (a) This article applies to a defendant who has not had the  
19 disabilities of minority removed and has been:

20 (1) charged with an offense other than an offense  
21 under Section 43.261, Penal Code, if the defendant is younger than  
22 17 years of age; or

23 (2) charged with an offense under Section 43.261,  
24 Penal Code, if the defendant is younger than 18 years of age.

25 (b) The judge or justice shall:

26 (1) take the defendant's plea in open court; and

27 (2) issue a summons to compel the defendant's parent,



1 guardian, or managing conservator to be present during:

2 (A) the taking of the defendant's plea; and

3 (B) all other proceedings relating to the case.

4 (c) If the court is unable to secure the appearance of the  
5 defendant's parent, guardian, or managing conservator by issuing a  
6 summons, the court may, without the defendant's parent, guardian,  
7 or managing conservator present, take the defendant's plea and  
8 proceed against the defendant.

9 (d) If the defendant resides in a county other than the  
10 county in which the alleged offense occurred, the defendant may,  
11 with approval of the judge of the court of original jurisdiction,  
12 enter a plea, including a plea under Article 45A.401, before a judge  
13 in the county in which the defendant resides.

14 (e) A justice or municipal court shall endorse on the  
15 summons issued to a parent an order to appear personally at a  
16 hearing with the defendant. The summons must include a warning that  
17 the failure of the parent to appear is a Class C misdemeanor and may  
18 result in arrest. (Code Crim. Proc., Art. 45.0215.)

19 Art. 45A.453. CHILD TAKEN INTO CUSTODY. (a) In this  
20 article, "child" means a person who is:

21 (1) at least 10 years of age and younger than 17 years  
22 of age; and

23 (2) charged with or convicted of an offense that a  
24 justice or municipal court has jurisdiction of under Article 4.11  
25 or 4.14.

26 (b) A child may be released to the child's parent, guardian,  
27 custodian, or other responsible adult as provided by Section

1 52.02(a)(1), Family Code, if the child is taken into custody for an  
2 offense that a justice or municipal court has jurisdiction of under  
3 Article 4.11 or 4.14.

4 (c) A child described by Subsection (b) must be taken only  
5 to a place previously designated by the head of the law enforcement  
6 agency with custody of the child as an appropriate place of  
7 nonsecure custody for children unless the child:

8 (1) is released under Section 52.02(a)(1), Family  
9 Code; or

10 (2) is taken before a justice or municipal court.

11 (d) A place of nonsecure custody for children must be an  
12 unlocked, multipurpose area, such as:

13 (1) a lobby, office, or interrogation room, if the  
14 area is not designated, set aside, or used as a secure detention  
15 area and is not part of a secure detention area; or

16 (2) a juvenile processing office designated under  
17 Section 52.025, Family Code, if the area is not locked when the area  
18 is used as a place of nonsecure custody.

19 (e) The following procedures shall be followed in a place of  
20 nonsecure custody for children:

21 (1) a child may not be secured physically to a cuffing  
22 rail, chair, desk, or other stationary object;

23 (2) a child may be held in the nonsecure facility only  
24 for the period necessary to complete:

25 (A) identification;

26 (B) investigation;

27 (C) processing;

1 (D) release to a parent, guardian, custodian, or  
2 other responsible adult; or

3 (E) the arranging of transportation to the  
4 appropriate juvenile court, juvenile detention facility, secure  
5 detention facility, justice court, or municipal court;

6 (3) residential use of the area is prohibited; and

7 (4) a law enforcement officer or facility staff person  
8 shall provide continuous visual supervision of a child while the  
9 child is in nonsecure custody.

10 (f) Notwithstanding any other provision of this article, a  
11 child may not be detained in a place of nonsecure custody for a  
12 period of more than six hours.

13 (g) A child taken into custody for an offense that a justice  
14 or municipal court has jurisdiction of under Article 4.11 or 4.14  
15 may be presented or detained in a detention facility designated by  
16 the juvenile board under Section 52.02(a)(3), Family Code, only if:

17 (1) the child's case is transferred to the juvenile  
18 court by a justice or municipal court under Section 51.08(b),  
19 Family Code; or

20 (2) the child is referred to the juvenile court by a  
21 justice or municipal court for contempt of court under Article  
22 45A.461.

23 (h) Except as provided by Subsection (i) and Section  
24 37.143(a), Education Code, for a traffic offense or an offense  
25 punishable by fine only, a law enforcement officer may issue a  
26 citation as provided by Article 14.06 instead of taking a child into  
27 custody.

1 (i) A law enforcement officer may issue a citation as  
2 provided by Article 14.06 instead of taking a child into custody for  
3 conduct constituting a violation of Section 49.02, Penal Code, only  
4 if the officer releases the child to the child's parent, guardian,  
5 custodian, or other responsible adult. (Code Crim. Proc., Arts.  
6 45.058(a), (b), (c), (d), (e), (f), (g), (g-1), (h).)

7 Art. 45A.454. CONDUCT ALLEGED ON SCHOOL PROPERTY. (a) In  
8 this article, "child" has the meaning assigned by Article  
9 45A.453(a).

10 (b) If a law enforcement officer issues a citation or files  
11 a complaint in the manner provided by Article 45A.101(g) for  
12 conduct by a child 12 years of age or older that is alleged to have  
13 occurred on school property of or on a vehicle owned or operated by  
14 a county or independent school district, the officer shall submit  
15 to the court:

- 16 (1) the offense report;  
17 (2) a statement by a witness to the alleged conduct;  
18 and  
19 (3) a statement by a victim of the alleged conduct, if  
20 any.

21 (c) An attorney representing the state may not proceed in a  
22 trial of an offense unless the law enforcement officer has complied  
23 with the requirements of Subsection (b).

24 (d) Notwithstanding Article 45A.453(h) or (i), a law  
25 enforcement officer may not issue a citation or file a complaint in  
26 the manner provided by Article 45A.101(g) for conduct by a child  
27 younger than 12 years of age that is alleged to have occurred on

1 school property of or on a vehicle owned or operated by a county or  
2 independent school district. (Code Crim. Proc., Arts. 45.058(h),  
3 (i), (j).)

4 Art. 45A.455. CHILD TAKEN INTO CUSTODY FOR VIOLATION OF  
5 JUVENILE CURFEW OR ORDER. (a) In this article, "child" means a  
6 person who is younger than 17 years of age.

7 (b) A peace officer taking a child into custody for a  
8 violation of a juvenile curfew ordinance of a municipality or order  
9 of the commissioners court of a county shall, without unnecessary  
10 delay:

11 (1) release the child to the child's parent, guardian,  
12 or custodian;

13 (2) take the child before a justice or municipal court  
14 to answer the charge; or

15 (3) take the child to a place designated as a juvenile  
16 curfew processing office by the head of the law enforcement agency  
17 having custody of the child.

18 (c) A juvenile curfew processing office must observe the  
19 following procedures:

20 (1) the office must be an unlocked, multipurpose area  
21 that is not designated, set aside, or used as a secure detention  
22 area or part of a secure detention area;

23 (2) the child may not be secured physically to a  
24 cuffing rail, chair, desk, or stationary object;

25 (3) the child may not be held for a period longer than  
26 is necessary to complete:

27 (A) identification;

- 1 (B) investigation;
- 2 (C) processing;
- 3 (D) release to a parent, guardian, or custodian;
- 4 or
- 5 (E) arrangement of transportation to school or
- 6 court;

7 (4) the office may not be designated or intended for  
8 residential purposes;

9 (5) a peace officer or other individual shall provide  
10 continuous visual supervision of a child while the child is in the  
11 office; and

12 (6) a child may not be held in the office for a period  
13 of more than six hours.

14 (d) A place designated under this article as a juvenile  
15 curfew processing office is not subject to the approval of the  
16 juvenile board having jurisdiction where the governmental entity is  
17 located. (Code Crim. Proc., Art. 45.059; New.)

18 Art. 45A.456. CONTINUING OBLIGATION TO APPEAR FOR  
19 UNADJUDICATED CHILD, NOW ADULT; OFFENSE. (a) Except as provided by  
20 Articles 45A.453, 45A.454, and 45A.455, an individual may not be  
21 taken into secured custody for offenses alleged to have occurred  
22 before the individual's 17th birthday.

23 (b) On or after an individual's 17th birthday, if the court  
24 has used all available procedures under this chapter to secure the  
25 individual's appearance to answer allegations made before the  
26 individual's 17th birthday, the court may issue a notice of  
27 continuing obligation to appear, by personal service or by mail, to

1 the last known address and residence of the individual. The notice  
2 must order the individual to appear at a designated time, place, and  
3 date to answer the allegations detailed in the notice.

4 (c) Failure to appear as ordered by the notice under  
5 Subsection (b) is a Class C misdemeanor independent of Section  
6 38.10, Penal Code, and Section 543.009, Transportation Code.

7 (d) It is an affirmative defense to prosecution under  
8 Subsection (c) that the individual was not informed of the  
9 individual's obligation under Articles 45A.457(h) and (i) or did  
10 not receive notice as required by Subsection (b) of this article.

11 (e) A notice of continuing obligation to appear issued under  
12 this article must contain the following statement provided in  
13 boldfaced type or capital letters:

14 "WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 17TH  
15 BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO  
16 MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU  
17 ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS  
18 CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN  
19 ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED  
20 FOR YOUR ARREST." (Code Crim. Proc., Art. 45.060.)

21 Art. 45A.457. FINDING THAT OFFENSE COMMITTED. (a) In this  
22 article:

23 (1) "Child" has the meaning assigned by Article  
24 45A.453(a).

25 (2) "Parent" includes a person standing in parental  
26 relation, a managing conservator, or a custodian.

27 (3) "Residence" means any place where the child lives

1 or resides for a period of not less than 30 days.

2 (b) On a finding by a justice or municipal court that a child  
3 committed an offense that the court has jurisdiction of under  
4 Article 4.11 or 4.14, the court has jurisdiction to enter an order:

5 (1) referring the child or the child's parent for  
6 services under Section 264.302, Family Code;

7 (2) requiring that the child attend a special program  
8 that the court determines to be in the best interest of the child  
9 and, if the program involves the expenditure of municipal or county  
10 funds, that is approved by the governing body of the municipality or  
11 county commissioners court, as applicable, including a program for:

- 12 (A) rehabilitation;
- 13 (B) counseling;
- 14 (C) self-esteem and leadership;
- 15 (D) work and job skills training;
- 16 (E) job interviewing and work preparation;
- 17 (F) self-improvement;
- 18 (G) parenting;
- 19 (H) manners;
- 20 (I) violence avoidance;
- 21 (J) tutoring;
- 22 (K) sensitivity training;
- 23 (L) parental responsibility;
- 24 (M) community service;
- 25 (N) restitution;
- 26 (O) advocacy; or
- 27 (P) mentoring; or



1           (3) requiring that the child's parent perform any act  
2 or refrain from performing any act as the court determines will  
3 increase the likelihood that the child will comply with the orders  
4 of the court and that is reasonable and necessary for the welfare of  
5 the child, including:

6                   (A) attend a parenting class or parental  
7 responsibility program; and

8                   (B) attend the child's school classes or  
9 functions.

10           (c) The justice or municipal court may order the parent of a  
11 child required to attend a program under Subsection (b) to pay an  
12 amount not to exceed \$100 for the costs of the program.

13           (d) A justice or municipal court may require a child or  
14 parent required to attend a program, class, or function under this  
15 article to submit proof of attendance to the court.

16           (e) A justice or municipal court shall endorse on the  
17 summons issued to a parent an order to appear personally at the  
18 hearing with the child. The summons must include a warning that the  
19 failure of the parent to appear is a Class C misdemeanor and may  
20 result in arrest.

21           (f) An order under this article involving a child is  
22 enforceable under Article 45A.461.

23           (g) A person commits an offense if the person is a parent who  
24 fails to attend a hearing under this article after receiving an  
25 order under Subsection (e). An offense under this subsection is a  
26 Class C misdemeanor.

27           (h) A child and parent required to appear before the court

1 have an obligation to provide the child's current address and  
2 residence to the court in writing. The obligation does not end when  
3 the child reaches age 17. On or before the seventh day after the  
4 date the child or parent changes residence, the child or parent  
5 shall notify the court of the current address in the manner directed  
6 by the court. A violation of this subsection is a Class C  
7 misdemeanor and may result in arrest. The obligation to provide  
8 notice terminates on discharge and satisfaction of the judgment or  
9 a final disposition not requiring a finding of guilt.

10 (i) If an appellate court accepts an appeal for a trial de  
11 novo, the child and parent shall provide the notice under  
12 Subsection (h) to the appellate court.

13 (j) The child and parent are entitled to written notice of  
14 their obligation under Subsections (h) and (i), which may be  
15 satisfied if a copy of those subsections is delivered to the child  
16 and parent by:

17 (1) the court during their initial appearance before  
18 the court;

19 (2) a peace officer arresting and releasing a child  
20 under Article 45A.453(b) at the time of release; or

21 (3) a peace officer who issues a notice to appear under  
22 Section 543.003, Transportation Code, or a citation under Article  
23 14.06(b).

24 (k) It is an affirmative defense to prosecution under  
25 Subsection (h) that the child and parent were not informed of their  
26 obligation under this article.

27 (l) Any order under this article is enforceable by the

1 justice or municipal court by contempt. (Code Crim. Proc., Art.  
2 45.057.)

3 Art. 45A.458. FINDING OF ELECTRONIC TRANSMISSION OF CERTAIN  
4 VISUAL MATERIAL DEPICTING MINOR. (a) In this article, "parent"  
5 means a natural or adoptive parent, managing or possessory  
6 conservator, or legal guardian. The term does not include a parent  
7 whose parental rights have been terminated.

8 (b) If a justice or municipal court finds that a defendant  
9 has committed an offense under Section 43.261, Penal Code, the  
10 court may enter an order requiring the defendant to attend and  
11 successfully complete an educational program described by Section  
12 37.218, Education Code, or another equivalent educational program.

13 (c) A court that enters an order under Subsection (b) shall  
14 require the defendant or the defendant's parent to pay the cost of  
15 attending an educational program under Subsection (b) if the court  
16 determines that the defendant or the defendant's parent is  
17 financially able to pay. (Code Crim. Proc., Art. 45.061.)

18 Art. 45A.459. COMMUNITY SERVICE TO SATISFY FINES OR COSTS  
19 FOR CERTAIN JUVENILE DEFENDANTS. (a) This article applies only to  
20 a defendant younger than 17 years of age who is assessed a fine or  
21 cost for a Class C misdemeanor.

22 (b) A justice or judge may require a defendant described by  
23 Subsection (a) to discharge all or part of the fine or cost by  
24 performing community service.

25 (c) An order requiring a defendant to perform community  
26 service under this article must specify:

27 (1) the number of hours of community service the

1 defendant is required to perform, not to exceed 200 hours; and

2 (2) the date by which the defendant must submit to the  
3 court documentation verifying that the defendant completed the  
4 community service.

5 (d) The justice or judge may order the defendant to perform  
6 community service under this article:

7 (1) by attending:

8 (A) a work and job skills training program;

9 (B) a preparatory class for the high school  
10 equivalency examination administered under Section 7.111,  
11 Education Code;

12 (C) an alcohol or drug abuse program;

13 (D) a rehabilitation program;

14 (E) a counseling program, including a  
15 self-improvement program;

16 (F) a mentoring program; or

17 (G) any similar activity; or

18 (2) for:

19 (A) a governmental entity;

20 (B) a nonprofit organization or another  
21 organization that provides to the general public services that  
22 enhance social welfare and the general well-being of the community,  
23 as determined by the justice or judge; or

24 (C) an educational institution.

25 (e) An entity that accepts a defendant to perform community  
26 service under this article must agree to:

27 (1) supervise, either on-site or remotely, the

1 defendant in the performance of the defendant's community service;  
2 and

3 (2) report on the defendant's community service to the  
4 justice or judge who ordered the service.

5 (f) A justice or judge may not order a defendant to perform  
6 more than 16 hours of community service each week under this article  
7 unless the justice or judge determines that requiring the defendant  
8 to perform additional hours does not impose an undue hardship on the  
9 defendant or the defendant's family, as defined by Section 71.003,  
10 Family Code.

11 (g) A sheriff, employee of a sheriff's department, county  
12 commissioner, county employee, county judge, justice of the peace,  
13 municipal court judge, or officer or employee of a political  
14 subdivision other than a county or an entity that accepts a  
15 defendant to perform community service under this article is not  
16 liable for damages arising from an act or failure to act in  
17 connection with community service performed by a defendant under  
18 this article if the act or failure to act:

19 (1) was performed pursuant to court order; and

20 (2) was not intentional, wilfully or wantonly  
21 negligent, or performed with conscious indifference or reckless  
22 disregard for the safety of others.

23 (h) A local juvenile probation department or a  
24 court-related services office may provide the administrative and  
25 other services necessary to supervise a defendant required to  
26 perform community service under this article.

27 (i) A defendant is considered to have discharged not less

1 than \$100 of fines or costs for each eight hours of community  
2 service performed under this article.

3 (j) A defendant may discharge an obligation to perform  
4 community service under this article by paying at any time the fine  
5 and costs assessed. (Code Crim. Proc., Art. 45.0492, as added Acts  
6 82nd Leg., R.S., Ch. 777.)

7 Art. 45A.460. COMMUNITY SERVICE TO SATISFY FINES OR COSTS  
8 FOR CERTAIN JUVENILE DEFENDANTS FOR OFFENSES ON SCHOOL GROUNDS.

9 (a) This article applies only to a defendant younger than 17 years  
10 of age who is assessed a fine or cost for a Class C misdemeanor  
11 occurring in a building or on the grounds of the primary or  
12 secondary school at which the defendant was enrolled at the time of  
13 the offense.

14 (b) A justice or judge may require a defendant described by  
15 Subsection (a) to discharge all or part of the fine or cost by  
16 performing community service.

17 (c) An order requiring a defendant to perform community  
18 service under this article must specify:

19 (1) the number of hours of community service the  
20 defendant is required to perform; and

21 (2) the date by which the defendant must submit to the  
22 court documentation verifying that the defendant completed the  
23 community service.

24 (d) The justice or judge may order the defendant to perform  
25 community service under this article:

26 (1) by attending:

27 (A) a work and job skills training program;

1 (B) a preparatory class for the high school  
2 equivalency examination administered under Section 7.111,  
3 Education Code;

4 (C) an alcohol or drug abuse program;

5 (D) a rehabilitation program;

6 (E) a counseling program, including a  
7 self-improvement program;

8 (F) a mentoring program;

9 (G) a tutoring program; or

10 (H) any similar activity; or

11 (2) for:

12 (A) a governmental entity;

13 (B) a nonprofit organization or another  
14 organization that provides to the general public services that  
15 enhance social welfare and the general well-being of the community,  
16 as determined by the justice or judge; or

17 (C) an educational institution.

18 (e) An entity that accepts a defendant to perform community  
19 service under this article must agree to:

20 (1) supervise, either on-site or remotely, the  
21 defendant in the performance of the defendant's community service;  
22 and

23 (2) report on the defendant's community service to the  
24 justice or judge who ordered the service.

25 (f) A justice or judge may not order a defendant to perform  
26 more than 16 hours of community service each week under this article  
27 unless the justice or judge determines that requiring the defendant

1 to perform additional hours does not impose an undue hardship on the  
2 defendant or the defendant's family, as defined by Section 71.003,  
3 Family Code.

4 (g) A sheriff, employee of a sheriff's department, county  
5 commissioner, county employee, county judge, justice of the peace,  
6 municipal court judge, or officer or employee of a political  
7 subdivision other than a county or an entity that accepts a  
8 defendant to perform community service under this article is not  
9 liable for damages arising from an act or failure to act in  
10 connection with community service performed by a defendant under  
11 this article if the act or failure to act:

12 (1) was performed pursuant to court order; and

13 (2) was not intentional, grossly negligent, or  
14 performed with conscious indifference or reckless disregard for the  
15 safety of others.

16 (h) A local juvenile probation department or a  
17 court-related services office may provide the administrative and  
18 other services necessary to supervise a defendant required to  
19 perform community service under this article.

20 (i) A defendant is considered to have discharged not less  
21 than \$100 of fines or costs for each eight hours of community  
22 service performed under this article.

23 (j) A defendant may discharge an obligation to perform  
24 community service under this article by paying at any time the fine  
25 and costs assessed. (Code Crim. Proc., Art. 45.0492, as added Acts  
26 82nd Leg., R.S., Ch. 227.)

27 Art. 45A.461. FAILURE TO PAY FINE OR APPEAR. (a) In this



1 article, "child" has the meaning assigned by Article 45A.453(a).

2 (b) A justice or municipal court may not order the  
3 confinement of a child for:

4 (1) the failure to pay all or part of a fine or cost  
5 imposed for the conviction of an offense punishable by fine only;

6 (2) the failure to appear for an offense committed by  
7 the child; or

8 (3) contempt of another order of a justice or  
9 municipal court.

10 (c) If a child fails to obey an order of a justice or  
11 municipal court under circumstances that would constitute contempt  
12 of court, the justice or municipal court, after providing notice  
13 and an opportunity to be heard, may:

14 (1) refer the child to the appropriate juvenile court  
15 for delinquent conduct for contempt of the order; or

16 (2) retain jurisdiction of the case, hold the child in  
17 contempt of court, and order that:

18 (A) the contemnor pay a fine not to exceed \$500;

19 or

20 (B) the Department of Public Safety suspend the  
21 contemnor's driver's license or permit or, if the contemnor does not  
22 have a license or permit, deny the issuance of a license or permit  
23 to the contemnor until the contemnor fully complies with the order.

24 (d) A justice or municipal court may hold a person in  
25 contempt and impose a remedy authorized by Subsection (c)(2) if:

26 (1) the person was convicted for an offense committed  
27 before the person's 17th birthday;

1           (2) the person failed to obey the order while the  
2 person was 17 years of age or older; and

3           (3) the failure to obey occurred under circumstances  
4 that constitute contempt of court.

5           (e) A justice or municipal court may hold a person in  
6 contempt and impose a remedy authorized by Subsection (c)(2) if the  
7 person, while younger than 17 years of age, engaged in conduct in  
8 contempt of an order issued by the court, but contempt proceedings  
9 could not be held before the person's 17th birthday.

10          (f) A justice or municipal court that orders suspension or  
11 denial of a driver's license or permit under Subsection (c)(2)(B)  
12 shall notify the Department of Public Safety on receiving proof of  
13 compliance with the orders of the justice or municipal court.

14          (g) A justice or municipal court may not refer a person who  
15 violates a court order while 17 years of age or older to a juvenile  
16 court for delinquency proceedings for contempt of court. (Code  
17 Crim. Proc., Art. 45.050.)

18          Art. 45A.462. CONFIDENTIAL RECORDS RELATED TO CERTAIN  
19 CHARGES AGAINST OR CONVICTIONS OF CHILD. (a) In this article,  
20 "child" has the meaning assigned by Article 45A.453(a).

21          (b) Except as provided by Article 15.27 and Subsection (c)  
22 of this article, all records and files, including those held by law  
23 enforcement, and information stored by electronic means or  
24 otherwise, from which a record or file could be generated, relating  
25 to a child who is charged with, is convicted of, is found not guilty  
26 of, had a charge dismissed for, or is granted deferred disposition  
27 for a fine-only misdemeanor offense other than a traffic offense

1 are confidential and may not be disclosed to the public.

2 (c) Information subject to Subsection (b) may be open to  
3 inspection only by:

4 (1) a judge or court staff;

5 (2) a criminal justice agency for a criminal justice  
6 purpose, as those terms are defined by Section 411.082, Government  
7 Code;

8 (3) the Department of Public Safety;

9 (4) an attorney for a party to the proceeding;

10 (5) the child defendant; or

11 (6) the defendant's parent, guardian, or managing  
12 conservator. (Code Crim. Proc., Art. 45.0217.)

13 Art. 45A.463. EXPUNCTION OF CERTAIN RECORDS OF CHILD OR  
14 MINOR. (a) In this article, "child" has the meaning assigned by  
15 Section 51.02, Family Code.

16 (b) This article does not apply to an offense otherwise  
17 covered by:

18 (1) Chapter 106, Alcoholic Beverage Code; or

19 (2) Chapter 161, Health and Safety Code.

20 (c) On or after the person's 17th birthday, a person may  
21 apply to the court in which the person was convicted to have the  
22 conviction expunged as provided by this article if:

23 (1) the person was convicted of not more than one  
24 offense described by Section 8.07(a)(4) or (5), Penal Code, while  
25 the person was a child; or

26 (2) the person was convicted only once of an offense  
27 under Section 43.261, Penal Code.

1           (d) The person must make a written request to have the  
2 records expunged.

3           (e) The request must:

4                 (1) be under oath; and

5                 (2) contain the person's statement that the person was  
6 not convicted of any additional offense or found to have engaged in  
7 conduct indicating a need for supervision as described by  
8 Subsection (g)(1) or (2), as applicable.

9           (f) The judge shall inform the person and any parent in open  
10 court of the person's expunction rights and provide them with a copy  
11 of this article.

12           (g) The court shall order the conviction, together with all  
13 complaints, verdicts, sentences, and prosecutorial and law  
14 enforcement records, and any other documents relating to the  
15 offense, expunged from the person's record if the court finds that:

16                 (1) for a person applying for the expunction of a  
17 conviction for an offense described by Section 8.07(a)(4) or (5),  
18 Penal Code, the person was not convicted of any other offense  
19 described by those subdivisions while the person was a child; and

20                 (2) for a person applying for the expunction of a  
21 conviction for an offense described by Section 43.261, Penal Code,  
22 the person was not found to have engaged in conduct indicating a  
23 need for supervision described by Section 51.03(b)(6), Family Code,  
24 while the person was a child.

25           (h) After entry of an order under Subsection (g), the person  
26 is released from all disabilities resulting from the conviction and  
27 the conviction may not be shown or made known for any purpose.

1 (i) Records of a person younger than 17 years of age  
2 relating to a complaint may be expunged under this article if:

3 (1) the complaint was dismissed under Subchapter G,  
4 Article 45A.401, or other law; or

5 (2) the person was acquitted of the offense.

6 (j) The justice or municipal court shall require a person  
7 who requests expunction under this article to pay a reimbursement  
8 fee in the amount of \$30 to defray the cost of notifying state  
9 agencies of orders of expunction under this article.

10 (k) The procedures for expunction provided under this  
11 article are separate and distinct from the expunction procedures  
12 under Chapter 55A. (Code Crim. Proc., Art. 45.0216.)

13 Art. 45A.464. EXPUNCTION OF RECORDS RELATED TO FAILURE TO  
14 ATTEND SCHOOL. (a) In this article, "truancy offense" means an  
15 offense committed under the former Section 25.094, Education Code.

16 (b) An individual who has been convicted of a truancy  
17 offense or has had a complaint for a truancy offense dismissed is  
18 entitled to an expunction of the conviction or complaint and  
19 records relating to the conviction or complaint.

20 (c) Regardless of whether the individual has filed a  
21 petition for expunction, the court in which the individual was  
22 convicted or a complaint for a truancy offense was filed shall order  
23 the conviction, complaints, verdicts, sentences, and other  
24 documents relating to the offense, including any documents in the  
25 possession of a school district or law enforcement agency, to be  
26 expunged from the individual's record.

27 (d) After entry of the order, the individual is released

1 from all disabilities resulting from the conviction or complaint,  
2 and the conviction or complaint may not be shown or made known for  
3 any purpose. (Code Crim. Proc., Art. 45.0541.)

4 CHAPTER 55A. EXPUNCTION OF CRIMINAL RECORDS

5 SUBCHAPTER A. MANDATORY EXPUNCTION

6 Art. 55A.001. APPLICABILITY OF SUBCHAPTER

7 Art. 55A.002. FOLLOWING TRIAL COURT ACQUITTAL

8 Art. 55A.003. PARDON FOR ACTUAL INNOCENCE

9 Art. 55A.004. PARDON FOR REASON OTHER THAN ACTUAL

10 INNOCENCE

11 Art. 55A.005. UNLAWFUL CARRYING OF HANDGUN

12 Art. 55A.006. MISTAKEN IDENTITY

13 SUBCHAPTER B. SPECIAL CIRCUMSTANCES REQUIRING MANDATORY

14 EXPUNCTION

15 Art. 55A.051. APPLICABILITY OF SUBCHAPTER

16 Art. 55A.052. INDICTMENT OR INFORMATION NOT PRESENTED

17 Art. 55A.053. INDICTMENT OR INFORMATION DISMISSED OR

18 QUASHED

19 Art. 55A.054. EXPIRATION OF LIMITATIONS PERIOD

20 SUBCHAPTER C. DISCRETIONARY EXPUNCTION

21 Art. 55A.101. APPELLATE COURT ACQUITTAL OR

22 RECOMMENDATION OF ATTORNEY

23 REPRESENTING STATE

24 SUBCHAPTER D. EXPUNCTION PROHIBITED

25 Art. 55A.151. CONVICTION OR POTENTIAL PROSECUTION

26 ARISING FROM SAME CRIMINAL EPISODE

- 1 Art. 55A.152. DRIVER'S LICENSE SUSPENSION OR  
2 REVOCATION
- 3 Art. 55A.153. ARREST FOR VIOLATION OF COMMUNITY  
4 SUPERVISION
- 5 Art. 55A.154. CERTAIN PERSONS ABSCONDING AFTER ARREST
- 6 SUBCHAPTER E. PROCEDURES FOR AUTOMATIC ENTRY OF EXPUNCTION ORDER
- 7 Art. 55A.201. TRIAL COURT ACQUITTAL
- 8 Art. 55A.202. PARDON FOR ACTUAL INNOCENCE
- 9 Art. 55A.203. CERTAIN SPECIALTY COURT PROGRAMS
- 10 Art. 55A.204. DUTIES OF ATTORNEY REPRESENTING STATE  
11 REGARDING EXPUNCTION ORDER
- 12 Art. 55A.205. REQUIRED CONTENT OF EXPUNCTION ORDER
- 13 Art. 55A.206. REQUIRED RETENTION OF CERTAIN DOCUMENTS  
14 BY COURT
- 15 SUBCHAPTER F. GENERAL PROCEDURES FOR SEEKING ENTRY OF EXPUNCTION  
16 ORDER
- 17 Art. 55A.251. FILING OF PETITION
- 18 Art. 55A.252. FILING CERTAIN PETITIONS IN JUSTICE OR  
19 MUNICIPAL COURT
- 20 Art. 55A.253. CONTENTS OF PETITION
- 21 Art. 55A.254. HEARING; NOTICE
- 22 Art. 55A.255. ENTRY OF EXPUNCTION ORDER
- 23 Art. 55A.256. APPLICATION FOR EXPUNCTION BASED ON  
24 MISTAKEN IDENTITY
- 25 Art. 55A.257. DEPARTMENT OF PUBLIC SAFETY MAY FILE  
26 PETITION ON PERSON'S BEHALF
- 27 Art. 55A.258. EXPUNCTION ON BEHALF OF DECEASED PERSON

1                                   SUBCHAPTER G. EXPUNCTION ORDER

2 Art. 55A.301.   REQUIRED CONTENT

3 Art. 55A.302.   RETENTION OF CERTAIN RECORDS AFTER  
4                                   EXPUNCTION

5 Art. 55A.303.   APPEAL

6                                   SUBCHAPTER H. NOTICE AND DISPOSITION OF RECORDS FOLLOWING  
7                                   EXPUNCTION ORDER

8 Art. 55A.351.   NOTICE OF EXPUNCTION ORDER

9 Art. 55A.352.   DUTY OF DEPARTMENT OF PUBLIC SAFETY

10 Art. 55A.353.   DISPOSITION OF EXPUNGED RECORDS

11 Art. 55A.354.   DISPOSITION OF RECORDS EXPUNGED DUE TO  
12                                   MISTAKEN IDENTITY

13 Art. 55A.355.   PROVIDING EXPUNGED RECORDS TO PERSON WHO  
14                                   IS SUBJECT OF EXPUNCTION

15 Art. 55A.356.   INSPECTION AND DISPOSITION OF COURT'S  
16                                   RECORDS CONCERNING EXPUNCTION

17 Art. 55A.357.   RETENTION OF FINANCIAL TRANSACTION  
18                                   RECORDS

19                                   SUBCHAPTER I. EFFECT OF EXPUNCTION ORDER

20 Art. 55A.401.   EFFECT OF FINAL EXPUNCTION ORDER

21 Art. 55A.402.   OFFENSE FOR VIOLATION OF EXPUNCTION  
22                                   ORDER

23                                   SUBCHAPTER J. NOTICE OF EXPUNCTION LAW

24 Art. 55A.451.   NOTICE OF EXPUNCTION LAW TO PERSONS  
25                                   RELEASED FOLLOWING ARREST



1 CHAPTER 55A. EXPUNCTION OF CRIMINAL RECORDS

2 SUBCHAPTER A. MANDATORY EXPUNCTION

3 Art. 55A.001. APPLICABILITY OF SUBCHAPTER. This subchapter  
4 applies to a person who has been placed under a custodial or  
5 noncustodial arrest for commission of a felony or misdemeanor.  
6 (Code Crim. Proc., Art. 55.01(a) (part).)

7 Art. 55A.002. FOLLOWING TRIAL COURT ACQUITTAL. A person to  
8 whom this subchapter applies is entitled to have all records and  
9 files relating to the arrest expunged if the person is:

10 (1) tried for the offense for which the person was  
11 arrested; and

12 (2) acquitted by the trial court, except as provided  
13 by Article 55A.151. (Code Crim. Proc., Art. 55.01(a) (part).)

14 Art. 55A.003. PARDON FOR ACTUAL INNOCENCE. A person to whom  
15 this subchapter applies is entitled to have all records and files  
16 relating to the arrest expunged if:

17 (1) the person is:

18 (A) tried for and convicted of the offense for  
19 which the person was arrested; and

20 (B) subsequently pardoned or otherwise granted  
21 relief on the basis of actual innocence with respect to that  
22 offense; and

23 (2) the applicable pardon or court order clearly  
24 indicates on its face that the pardon or order was granted or issued  
25 on the basis of the person's actual innocence. (Code Crim. Proc.,  
26 Art. 55.01(a) (part).)

27 Art. 55A.004. PARDON FOR REASON OTHER THAN ACTUAL

1 INNOCENCE. A person to whom this subchapter applies is entitled to  
2 have all records and files relating to the arrest expunged if the  
3 person is:

4 (1) tried for and convicted of the offense for which  
5 the person was arrested; and

6 (2) subsequently pardoned for that offense for a  
7 reason other than that described by Article 55A.003. (Code Crim.  
8 Proc., Art. 55.01(a) (part).)

9 Art. 55A.005. UNLAWFUL CARRYING OF HANDGUN. A person to  
10 whom this subchapter applies is entitled to have all records and  
11 files relating to the arrest expunged if:

12 (1) the person was tried for and convicted of the  
13 offense for which the person was arrested; and

14 (2) the offense was committed before September 1,  
15 2021, under Section 46.02(a), Penal Code, as that section existed  
16 before that date. (Code Crim. Proc., Art. 55.01(a) (part).)

17 Art. 55A.006. MISTAKEN IDENTITY. Notwithstanding the  
18 limitation provided by Article 55A.001, a person is entitled to  
19 obtain the expunction of any information that identifies the  
20 person, including the person's name, address, date of birth,  
21 driver's license number, and social security number, contained in  
22 records and files relating to the person's arrest or the arrest of  
23 another person if:

24 (1) the expunction of identifying information is  
25 sought with respect to the arrest of the person asserting the  
26 entitlement and the person was arrested solely as a result of  
27 identifying information that was inaccurate due to a clerical

1 error; or

2 (2) the expunction of identifying information is  
3 sought with respect to the arrest of a person other than the person  
4 asserting the entitlement and:

5 (A) the information identifying the person  
6 asserting the entitlement was falsely given by the arrested person  
7 as the arrested person's identifying information without the  
8 consent of the person asserting the entitlement; and

9 (B) the only reason why the identifying  
10 information of the person asserting the entitlement is contained in  
11 the applicable arrest records and files is the deception of the  
12 arrested person. (Code Crim. Proc., Art. 55.01(d); New.)

13 SUBCHAPTER B. SPECIAL CIRCUMSTANCES REQUIRING MANDATORY  
14 EXPUNCTION

15 Art. 55A.051. APPLICABILITY OF SUBCHAPTER. This subchapter  
16 applies to a person who has been placed under a custodial or  
17 noncustodial arrest for commission of a felony or misdemeanor if:

18 (1) the person has been released;

19 (2) the charge, if any, has not resulted in a final  
20 conviction and is no longer pending; and

21 (3) there was no court-ordered community supervision  
22 under Chapter 42A for the offense, other than for a Class C  
23 misdemeanor. (Code Crim. Proc., Art. 55.01(a) (part).)

24 Art. 55A.052. INDICTMENT OR INFORMATION NOT PRESENTED. (a)  
25 A person to whom this subchapter applies is entitled to have all  
26 records and files relating to the arrest expunged if an indictment  
27 or information charging the person with the commission of a

1 misdemeanor offense based on the person's arrest or charging the  
2 person with the commission of any felony offense arising out of the  
3 same transaction for which the person was arrested has not been  
4 presented against the person at any time following the arrest and  
5 if:

6           (1) at least 180 days have elapsed from the date of  
7 arrest if the arrest for which the expunction was sought was for an  
8 offense punishable as a Class C misdemeanor and there was no felony  
9 charge arising out of the same transaction for which the person was  
10 arrested;

11           (2) at least one year has elapsed from the date of  
12 arrest if the arrest for which the expunction was sought was for an  
13 offense punishable as a Class B or A misdemeanor and there was no  
14 felony charge arising out of the same transaction for which the  
15 person was arrested;

16           (3) at least three years have elapsed from the date of  
17 arrest if the arrest for which the expunction was sought was for an  
18 offense punishable as a felony or there was a felony charge arising  
19 out of the same transaction for which the person was arrested; or

20           (4) the attorney representing the state certifies that  
21 the applicable arrest records and files are not needed for use in  
22 any criminal investigation or prosecution, including an  
23 investigation or prosecution of another person.

24           (b) A person is entitled to an expunction under this article  
25 regardless of whether any statute of limitations exists for the  
26 offense and whether any limitations period for the offense has  
27 expired. (Code Crim. Proc., Art. 55.01(a) (part).)

1           Art. 55A.053. INDICTMENT OR INFORMATION DISMISSED OR  
2 QUASHED. (a) A person to whom this subchapter applies is entitled  
3 to have all records and files relating to the arrest expunged if:

4           (1) an indictment or information charging the person  
5 with the commission of a misdemeanor offense based on the person's  
6 arrest or charging the person with the commission of any felony  
7 offense arising out of the same transaction for which the person was  
8 arrested, when presented at any time following the arrest, was  
9 dismissed or quashed; and

10           (2) the court finds that the indictment or information  
11 was dismissed or quashed because:

12           (A) the person completed a veterans treatment  
13 court program created under Chapter 124, Government Code, or former  
14 law, subject to Subsection (b);

15           (B) the person completed a mental health court  
16 program created under Chapter 125, Government Code, or former law,  
17 subject to Subsection (c);

18           (C) the person completed a pretrial intervention  
19 program authorized under Section 76.011, Government Code, other  
20 than a program described by Paragraph (A) or (B);

21           (D) the presentment of the indictment or  
22 information was made because of mistake, false information, or  
23 other similar reason indicating absence of probable cause at the  
24 time of the dismissal to believe the person committed the offense;  
25 or

26           (E) the indictment or information was void.

27           (b) A person is eligible under Subsection (a)(2)(A) for an

1 expunction of arrest records and files only if the person:

2 (1) has not previously received an expunction under  
3 that paragraph; and

4 (2) submits to the court an affidavit attesting to  
5 that fact.

6 (c) A person is eligible under Subsection (a)(2)(B) for an  
7 expunction of arrest records and files only if the person:

8 (1) has not previously received an expunction under  
9 that paragraph; and

10 (2) submits to the court an affidavit attesting to  
11 that fact.

12 (d) A person is entitled to an expunction under this article  
13 regardless of whether any statute of limitations exists for the  
14 offense and whether any limitations period for the offense has  
15 expired. (Code Crim. Proc., Arts. 55.01(a) (part), (a-3), (a-4).)

16 Art. 55A.054. EXPIRATION OF LIMITATIONS PERIOD. A person  
17 to whom this subchapter applies is entitled to have all records and  
18 files relating to the arrest expunged if prosecution of the person  
19 for the offense for which the person was arrested is no longer  
20 possible because the limitations period has expired. (Code Crim.  
21 Proc., Art. 55.01(a) (part).)

22 SUBCHAPTER C. DISCRETIONARY EXPUNCTION

23 Art. 55A.101. APPELLATE COURT ACQUITTAL OR RECOMMENDATION  
24 OF ATTORNEY REPRESENTING STATE. (a) Except as provided by Article  
25 55A.151 and subject to Subsection (b), a district court, a justice  
26 court, or a municipal court of record may expunge all records and  
27 files relating to the arrest of a person if:

1 (1) the person is:

2 (A) tried for the offense for which the person  
3 was arrested;

4 (B) convicted of the offense; and

5 (C) acquitted by the court of criminal appeals  
6 or, if the period for granting a petition for discretionary review  
7 has expired, by a court of appeals; or

8 (2) an office of the attorney representing the state  
9 authorized by law to prosecute the offense for which the person was  
10 arrested recommends the expunction to the court before the person  
11 is tried for the offense, regardless of whether an indictment or  
12 information has been presented against the person with respect to  
13 the offense.

14 (b) A justice court or a municipal court of record may only  
15 expunge records and files under Subsection (a) that relate to the  
16 arrest of a person for an offense punishable by fine only. (Code  
17 Crim. Proc., Arts. 55.01(b), (b-1).)

18 SUBCHAPTER D. EXPUNCTION PROHIBITED

19 Art. 55A.151. CONVICTION OR POTENTIAL PROSECUTION ARISING  
20 FROM SAME CRIMINAL EPISODE. A court may not order the expunction of  
21 records and files relating to an arrest for an offense for which a  
22 person is subsequently acquitted, whether by the trial court, a  
23 court of appeals, or the court of criminal appeals, if the offense  
24 for which the person was acquitted arose out of a criminal episode,  
25 as defined by Section 3.01, Penal Code, and the person was convicted  
26 of or remains subject to prosecution for at least one other offense  
27 occurring during the criminal episode. (Code Crim. Proc., Art.

1 55.01(c).)

2 Art. 55A.152. DRIVER'S LICENSE SUSPENSION OR REVOCATION.  
3 Records relating to the suspension or revocation of a driver's  
4 license, permit, or privilege to operate a motor vehicle may not be  
5 expunged under this chapter except as provided by Section 524.015  
6 or 724.048, Transportation Code. (Code Crim. Proc., Art. 55.06.)

7 Art. 55A.153. ARREST FOR VIOLATION OF COMMUNITY  
8 SUPERVISION. Notwithstanding any provision of Subchapter A, B, or  
9 C, a person may not expunge records and files relating to an arrest  
10 that occurs pursuant to a warrant issued under Article 42A.751(b).  
11 (Code Crim. Proc., Art. 55.01(a-1).)

12 Art. 55A.154. CERTAIN PERSONS ABSCONDING AFTER ARREST.  
13 Notwithstanding any provision of Subchapter A, B, or C, a person who  
14 intentionally or knowingly absconds from the jurisdiction after  
15 being released under Chapter 17 following an arrest is not eligible  
16 under Article 55A.052(a)(1), (2), or (3) or 55A.054 for an  
17 expunction of the records and files relating to that arrest. (Code  
18 Crim. Proc., Art. 55.01(a-2).)

19 SUBCHAPTER E. PROCEDURES FOR AUTOMATIC ENTRY OF EXPUNCTION ORDER

20 Art. 55A.201. TRIAL COURT ACQUITTAL. (a) At the request of  
21 the acquitted person and after notice to the state, or at the  
22 request of the attorney representing the state with the consent of  
23 the acquitted person, an expunction order shall be entered, not  
24 later than the 30th day after the date of the acquittal, for a  
25 person entitled to expunction under Article 55A.002 by:

26 (1) the trial court presiding over the case in which  
27 the person was acquitted, if the court is:



- 1 (A) a district court;  
2 (B) a justice court; or  
3 (C) a municipal court of record; or  
4 (2) a district court in the county in which the trial  
5 court is located.

6 (b) On acquittal, the trial court shall advise the acquitted  
7 person of the right to expunction.

8 (c) The party requesting the expunction order shall provide  
9 to the court all of the information required in a petition for  
10 expunction under Article 55A.253.

11 (d) An expunction order under this article shall be prepared  
12 for the court's signature by:

13 (1) the attorney for the acquitted person in the case  
14 in which the person was acquitted, if the acquitted person was  
15 represented by an attorney; or

16 (2) the attorney representing the state, if the person  
17 was not represented by an attorney or if the attorney representing  
18 the state requested the order. (Code Crim. Proc., Art. 55.02, Sec.  
19 1.)

20 Art. 55A.202. PARDON FOR ACTUAL INNOCENCE. (a) In a case in  
21 which a person is entitled to expunction under Article 55A.003, an  
22 expunction order shall be entered, not later than the 30th day after  
23 the date the court receives notice of the applicable pardon or other  
24 grant of relief, for the person by:

25 (1) the trial court presiding over the case, if the  
26 court is:

27 (A) a district court;

- 1 (B) a justice court; or
- 2 (C) a municipal court of record; or
- 3 (2) a district court in the county in which the trial
- 4 court is located.

5 (b) The person described by Subsection (a) shall provide to  
6 the court all of the information required in a petition for  
7 expunction under Article 55A.253. (Code Crim. Proc., Art. 55.02,  
8 Sec. 1a(a).)

9 Art. 55A.203. CERTAIN SPECIALTY COURT PROGRAMS. (a) A  
10 trial court that is a district court or a district court in the  
11 county in which the trial court is located may, with the consent of  
12 the attorney representing the state, enter an expunction order for  
13 a person entitled to expunction under Article 55A.053(a)(2)(A) not  
14 later than the 30th day after the date the court, as applicable:

15 (1) dismisses the case following the person's  
16 successful completion of a veterans treatment court program created  
17 under Chapter 124, Government Code, or former law; or

18 (2) receives the information regarding the dismissal.

19 (b) A trial court that is a district court or a district  
20 court in the county in which the trial court is located may, with  
21 the consent of the attorney representing the state, enter an  
22 expunction order for a person entitled to expunction under Article  
23 55A.053(a)(2)(B) not later than the 30th day after the date the  
24 court, as applicable:

25 (1) dismisses the case following the person's  
26 successful completion of a mental health court program created  
27 under Chapter 125, Government Code, or former law; or

1           (2) receives the information regarding the dismissal.

2           (c) Notwithstanding any other law, a court that enters an  
3 expunction order under this article may not charge any fee or assess  
4 any cost for the expunction. (Code Crim. Proc., Art. 55.02, Secs.  
5 1a(a-1), (a-2).)

6           Art. 55A.204. DUTIES OF ATTORNEY REPRESENTING STATE  
7 REGARDING EXPUNCTION ORDER. The attorney representing the state  
8 shall prepare an expunction order under Article 55A.202 or 55A.203  
9 for the court's signature and notify the Texas Department of  
10 Criminal Justice if the person who is the subject of the order is in  
11 the custody of the department. (Code Crim. Proc., Art. 55.02, Sec.  
12 1a(b).)

13           Art. 55A.205. REQUIRED CONTENT OF EXPUNCTION ORDER. In an  
14 expunction order entered under Article 55A.202 or 55A.203, the  
15 court shall:

16           (1) provide a listing of each official, agency, or  
17 other entity of this state or political subdivision of this state  
18 and each private entity that there is reason to believe has any  
19 record or file that is subject to the order; and

20           (2) require that:

21           (A) the Texas Department of Criminal Justice send  
22 to the court any documents delivered to the department under  
23 Section 8(a), Article 42.09; and

24           (B) the Department of Public Safety and the Texas  
25 Department of Criminal Justice delete or redact, as appropriate,  
26 from their public records all index references to the records and  
27 files that are subject to the expunction order. (Code Crim. Proc.,

1 Art. 55.02, Sec. 1a(c).)

2 Art. 55A.206. REQUIRED RETENTION OF CERTAIN DOCUMENTS BY  
3 COURT. The court shall retain any documents sent to the court under  
4 Article 55A.205(2)(A) until the limitations period has expired for  
5 any civil case or proceeding relating to the wrongful imprisonment  
6 of the person who is the subject of the expunction order. (Code  
7 Crim. Proc., Art. 55.02, Sec. 1a(d).)

8 SUBCHAPTER F. GENERAL PROCEDURES FOR SEEKING ENTRY OF EXPUNCTION  
9 ORDER

10 Art. 55A.251. FILING OF PETITION. A person who is entitled  
11 to expunction of records and files under Article 55A.002, 55A.004,  
12 or 55A.005 or Subchapter B, or a person who is eligible for  
13 expunction of records and files under Article 55A.101, may, subject  
14 to Article 55A.252, file an ex parte petition for expunction in a  
15 district court for the county in which:

- 16 (1) the petitioner was arrested; or  
17 (2) the offense was alleged to have occurred. (Code  
18 Crim. Proc., Art. 55.02, Sec. 2(a); New.)

19 Art. 55A.252. FILING CERTAIN PETITIONS IN JUSTICE OR  
20 MUNICIPAL COURT. If the arrest for which expunction is sought is  
21 for an offense punishable by fine only, a person who is entitled to  
22 expunction of records and files under Article 55A.002, 55A.003,  
23 55A.004, or 55A.005 or Subchapter B, or a person who is eligible for  
24 expunction of records and files under Article 55A.101(a) may file  
25 an ex parte petition for expunction in a justice court or a  
26 municipal court of record in the county in which:

- 27 (1) the petitioner was arrested; or

1           (2) the offense was alleged to have occurred. (Code  
2 Crim. Proc., Art. 55.02, Sec. 2(a-1).)

3           Art. 55A.253. CONTENTS OF PETITION. An ex parte petition  
4 filed under Article 55A.251, 55A.252, or 55A.257 must be verified  
5 and must include, with respect to the person who is the subject of  
6 the petition, the following or an explanation for why one or more of  
7 the following is not included:

8           (1) the person's:

9                   (A) full name;

10                   (B) sex;

11                   (C) race;

12                   (D) date of birth;

13                   (E) driver's license number;

14                   (F) social security number; and

15                   (G) address at the time of the arrest;

16           (2) the offense charged;

17           (3) the date the offense charged was alleged to have  
18 been committed;

19           (4) the date of arrest;

20           (5) the name of the county of arrest and if the arrest  
21 occurred in a municipality, the name of the municipality;

22           (6) the name of the arresting agency;

23           (7) the case number and court of offense; and

24           (8) together with the applicable physical or e-mail  
25 addresses, a list of all:

26                   (A) law enforcement agencies, jails or other  
27 detention facilities, magistrates, courts, attorneys representing

1 the state, correctional facilities, central state depositories of  
2 criminal records, and other officials or agencies or other entities  
3 of this state or of any political subdivision of this state;

4 (B) central federal depositories of criminal  
5 records that the person who is the subject of the petition has  
6 reason to believe have records or files that are subject to  
7 expunction; and

8 (C) private entities that compile and  
9 disseminate for compensation criminal history record information  
10 that the person who is the subject of the petition has reason to  
11 believe have information related to records or files that are  
12 subject to expunction. (Code Crim. Proc., Art. 55.02, Secs. 2(b),  
13 (f).)

14 Art. 55A.254. HEARING; NOTICE. (a) The court shall set a  
15 hearing on an ex parte petition for expunction not earlier than 30  
16 days from the filing of the petition and shall give to each official  
17 or agency or other governmental entity named in the petition  
18 reasonable notice of the hearing by:

19 (1) certified mail, return receipt requested; or  
20 (2) secure electronic mail, electronic transmission,  
21 or facsimile transmission.

22 (b) An entity described by Subsection (a) may be represented  
23 by the attorney responsible for providing the entity with legal  
24 representation in other matters.

25 (c) Any returned receipts received by the clerk from notices  
26 of the hearing shall be maintained in the file on the proceedings  
27 under Article 55A.356(b). (Code Crim. Proc., Art. 55.02, Secs.

1 2(c), (c-1); Sec. 3(d) (part).)

2 Art. 55A.255. ENTRY OF EXPUNCTION ORDER. If the court  
3 finds that the person who is the subject of an ex parte petition  
4 filed under Article 55A.251, 55A.252, or 55A.257 is entitled to  
5 expunction of any records and files that are the subject of the  
6 petition, the court shall enter an order directing expunction.  
7 (Code Crim. Proc., Art. 55.02, Sec. 2(d).)

8 Art. 55A.256. APPLICATION FOR EXPUNCTION BASED ON MISTAKEN  
9 IDENTITY. (a) A person who is entitled to the expunction of  
10 information contained in records and files under Article 55A.006  
11 may file an application for expunction with the attorney  
12 representing the state in the prosecution of felonies in the county  
13 in which the person resides.

14 (b) The application must be verified, include authenticated  
15 fingerprint records of the applicant, and include the following or  
16 an explanation for why one or more of the following is not included:

- 17 (1) the applicant's:
- 18 (A) full name;
  - 19 (B) sex;
  - 20 (C) race;
  - 21 (D) date of birth;
  - 22 (E) driver's license number;
  - 23 (F) social security number; and
  - 24 (G) address at the time of the applicable arrest;
- 25 (2) the following information regarding the arrest:
- 26 (A) the date of arrest;
  - 27 (B) the offense charged against the person

1 arrested;

2 (C) the name of the county or municipality in  
3 which the arrest occurred; and

4 (D) the name of the arresting agency; and

5 (3) a statement, as appropriate, that the applicant:

6 (A) was arrested solely as a result of  
7 identifying information that was inaccurate due to a clerical  
8 error; or

9 (B) is not the person arrested and for whom the  
10 arrest records and files were created and did not give the arrested  
11 person consent to falsely identify himself or herself as the  
12 applicant.

13 (c) After verifying the allegations in the application, the  
14 attorney representing the state shall:

15 (1) include on the application information regarding  
16 the arrest that was requested of the applicant but was unknown by  
17 the applicant;

18 (2) forward a copy of the application to the district  
19 court for the county;

20 (3) together with the applicable physical or e-mail  
21 addresses, attach to the copy a list of all:

22 (A) law enforcement agencies, jails or other  
23 detention facilities, magistrates, courts, attorneys representing  
24 the state, correctional facilities, central state depositories of  
25 criminal records, and other officials or agencies or other entities  
26 of this state or of any political subdivision of this state;

27 (B) central federal depositories of criminal



1 records that are reasonably likely to have records or files  
2 containing information that is subject to expunction; and

3 (C) private entities that compile and  
4 disseminate for compensation criminal history record information  
5 that are reasonably likely to have records or files containing  
6 information that is subject to expunction; and

7 (4) request the court to enter an order directing  
8 expunction based on an entitlement to expunction under Article  
9 55A.006.

10 (d) On receipt of a request under Subsection (c), the court  
11 shall, without holding a hearing on the matter, enter a final order  
12 directing expunction. (Code Crim. Proc., Art. 55.02, Sec. 2a.)

13 Art. 55A.257. DEPARTMENT OF PUBLIC SAFETY MAY FILE PETITION  
14 ON PERSON'S BEHALF. The director of the Department of Public  
15 Safety or the director's authorized representative may file on  
16 behalf of a person described by Article 55A.251 or 55A.256 an ex  
17 parte petition for expunction in a district court for the county in  
18 which:

19 (1) the person was arrested; or

20 (2) the offense was alleged to have occurred. (Code  
21 Crim. Proc., Art. 55.02, Sec. 2(e).)

22 Art. 55A.258. EXPUNCTION ON BEHALF OF DECEASED PERSON. (a)  
23 In this article, "close relative of a deceased person" means the  
24 grandparent, parent, spouse, or adult brother, sister, or child of  
25 a deceased person.

26 (b) A close relative of a deceased person who, if not  
27 deceased, would be entitled to expunction of records and files

1 under Subchapter A, B, or C may file on behalf of the deceased  
2 person an ex parte petition for expunction under Article 55A.251 or  
3 55A.252 or an application for expunction under Article 55A.256, as  
4 applicable. If the court finds that the deceased person would be  
5 entitled to expunction of any record or file that is the subject of  
6 the petition, the court shall enter an order directing expunction.  
7 (Code Crim. Proc., Art. 55.011.)

8 SUBCHAPTER G. EXPUNCTION ORDER

9 Art. 55A.301. REQUIRED CONTENT. (a) An expunction order  
10 entered by a court under Subchapter E or F must have attached and  
11 incorporate by reference a copy of the judgment of acquittal, if  
12 any, and must include:

13 (1) the following information on the person who is the  
14 subject of the expunction order:

- 15 (A) full name;
- 16 (B) sex;
- 17 (C) race;
- 18 (D) date of birth;
- 19 (E) driver's license number; and
- 20 (F) social security number;

21 (2) the offense charged against the person who is the  
22 subject of the expunction order, if any;

23 (3) the date of the applicable arrest;

24 (4) the case number and court of offense, if any; and

25 (5) the incident number assigned to the individual  
26 incident of arrest under Article 66.251(b)(1) by the Department of  
27 Public Safety.

1 (b) An expunction order issued by a court under Subchapter E  
2 or F must require any state agency that sent information concerning  
3 the arrest to a central federal depository to request the  
4 depository to return all records and files subject to the order.  
5 (Code Crim. Proc., Art. 55.02, Secs. 3(a) (part), (b).)

6 Art. 55A.302. RETENTION OF CERTAIN RECORDS AFTER  
7 EXPUNCTION. (a) If the state establishes that the person who is  
8 the subject of an expunction order is still subject to conviction  
9 for an offense arising out of the transaction for which the person  
10 was arrested because the limitations period has not expired and  
11 there is reasonable cause to believe that the state may proceed  
12 against the person for the offense, the court may provide in the  
13 order that the law enforcement agency and the attorney representing  
14 the state responsible for investigating the offense retain any  
15 records and files that are necessary to the investigation.

16 (b) In the case of a person who is the subject of an  
17 expunction order on the basis of an acquittal, the court may provide  
18 in the expunction order that the law enforcement agency and the  
19 attorney representing the state retain records and files if:

20 (1) the records and files are necessary to conduct a  
21 subsequent investigation and prosecution of a person other than the  
22 person who is the subject of the expunction order; or

23 (2) the state establishes that the records and files  
24 are necessary for use in:

25 (A) another criminal case, including a  
26 prosecution, motion to adjudicate or revoke community supervision,  
27 parole revocation hearing, mandatory supervision revocation

1 hearing, punishment hearing, or bond hearing; or

2 (B) a civil case, including a civil suit or suit  
3 for possession of or access to a child.

4 (c) The court shall provide in the expunction order that the  
5 applicable law enforcement agency and attorney representing the  
6 state may retain the arrest records and files of any person who  
7 becomes entitled to an expunction of those records and files based  
8 on the expiration of a period described by Article 55A.052(a)(1),  
9 (2), or (3), but without the certification of the attorney  
10 representing the state as described by Article 55A.052(a)(4).

11 (d) Articles 55A.401 and 55A.402 apply to records and files  
12 retained under this article unless:

13 (1) the person who is the subject of the expunction  
14 order is again arrested for or charged with an offense arising out  
15 of the transaction for which the person was arrested; or

16 (2) the court provides for the retention of records  
17 and files under Subsection (b) or (c). (Code Crim. Proc., Art.  
18 55.02, Sec. 4.)

19 Art. 55A.303. APPEAL. A person who is the subject of an  
20 expunction order issued under Subchapter E or F or an agency  
21 protesting the expunction may appeal the court's decision in the  
22 same manner as in other civil cases. (Code Crim. Proc., Art. 55.02,  
23 Sec. 3(a) (part).)

24 SUBCHAPTER H. NOTICE AND DISPOSITION OF RECORDS FOLLOWING  
25 EXPUNCTION ORDER

26 Art. 55A.351. NOTICE OF EXPUNCTION ORDER. (a) When an  
27 expunction order issued under Subchapter E or F is final, the clerk

1 of the court shall send a certified copy of the order to the Crime  
2 Records Service of the Department of Public Safety and to each  
3 official or agency or other governmental entity of this state or of  
4 any political subdivision of this state named in the order.

5 (b) The certified copy of the order must be sent by secure  
6 electronic mail, electronic transmission, or facsimile  
7 transmission or otherwise by certified mail, return receipt  
8 requested.

9 (c) In sending the order under Subsection (a) to a  
10 governmental entity named in the order, the clerk may elect to  
11 substitute hand delivery for certified mail, but the clerk must  
12 receive a receipt for that hand-delivered order.

13 (d) Any returned receipts received by the clerk from copies  
14 of the order shall be maintained in the file on the proceedings  
15 under Article 55A.356(b). (Code Crim. Proc., Art. 55.02, Secs.  
16 3(c), (d) (part).)

17 Art. 55A.352. DUTY OF DEPARTMENT OF PUBLIC SAFETY. (a) In  
18 this article, "department" means the Department of Public Safety.

19 (b) The department shall notify any central federal  
20 depository of criminal records by any means, including secure  
21 electronic mail, electronic transmission, or facsimile  
22 transmission, of an order received under Article 55A.351(a) with an  
23 explanation of the effect of the order and a request that the  
24 depository, as appropriate, either:

25 (1) destroy or return to the court the records in  
26 possession of the depository that are subject to the order,  
27 including any information with respect to the order; or

1           (2) comply with Article 55A.354 pertaining to  
2 information contained in records and files of a person entitled to  
3 expunction under Article 55A.006.

4           (c) The department shall provide, by secure electronic  
5 mail, electronic transmission, or facsimile transmission, notice  
6 of the order to any private entity that is named in the order or that  
7 purchases criminal history record information from the department.

8           (d) The notice under Subsection (c) must include an  
9 explanation of the effect of the order and a request that the  
10 private entity destroy any information in the possession of the  
11 entity that is subject to the order.

12           (e) The department may charge to a private entity that  
13 purchases criminal history record information from the department a  
14 fee in an amount sufficient to recover costs incurred by the  
15 department in providing notice under Subsection (c). (Code Crim.  
16 Proc., Art. 55.02, Secs. 3(c-1), (c-2); New.)

17           Art. 55A.353. DISPOSITION OF EXPUNGED RECORDS. Except as  
18 provided by Articles 55A.354 and 55A.357, on receipt of an  
19 expunction order issued under Subchapter E or F, each official or  
20 agency or other governmental entity named in the order shall:

21           (1) as appropriate:

22                   (A) return all records and files that are subject  
23 to the expunction order to the court; or

24                   (B) in cases other than those described by  
25 Articles 55A.202 and 55A.203, if removal is impracticable,  
26 obliterate all portions of the record or file that identify the  
27 person who is the subject of the order and notify the court of the

1 action; and

2 (2) delete from the named entity's public records all  
3 index references to the records and files that are subject to the  
4 expunction order. (Code Crim. Proc., Art. 55.02, Sec. 5(a).)

5 Art. 55A.354. DISPOSITION OF RECORDS EXPUNGED DUE TO  
6 MISTAKEN IDENTITY. On receipt of an order granting expunction to a  
7 person entitled to expunction under Article 55A.006, each official,  
8 agency, or other governmental entity named in the order:

9 (1) shall:

10 (A) obliterate all portions of the record or file  
11 that identify the person who is the subject of the order; and

12 (B) if applicable, substitute for all  
13 obliterated portions of the record or file any available  
14 information that identifies the person arrested; and

15 (2) may not return the record or file or delete index  
16 references to the record or file. (Code Crim. Proc., Art. 55.02,  
17 Sec. 5(f).)

18 Art. 55A.355. PROVIDING EXPUNGED RECORDS TO PERSON WHO IS  
19 SUBJECT OF EXPUNCTION. (a) The court may give the person who is the  
20 subject of an expunction order all records and files returned to the  
21 court pursuant to the order.

22 (b) This article does not apply to a person who is the  
23 subject of an expunction order on the basis of:

24 (1) an acquittal; or

25 (2) an entitlement under Article 55A.006. (Code Crim.  
26 Proc., Art. 55.02, Sec. 5(b).)

27 Art. 55A.356. INSPECTION AND DISPOSITION OF COURT'S RECORDS

1 CONCERNING EXPUNCTION. (a) Except in the case of a person who is  
2 the subject of an expunction order based on an entitlement under  
3 Article 55A.006 and except as provided by Article 55A.357, if an  
4 expunction order is issued under Subchapter E or F, the court  
5 records concerning expunction proceedings are not open for  
6 inspection by any person except the person who is the subject of the  
7 order unless:

8 (1) the order permits retention of a record under  
9 Article 55A.302 and the person is again arrested for or charged with  
10 an offense arising out of the transaction for which the person was  
11 arrested; or

12 (2) the court provides for the retention of records  
13 and files under Article 55A.302(a).

14 (b) The clerk of the court issuing the order shall  
15 obliterate all public references to the proceeding and maintain the  
16 files or other records in an area not open to inspection.

17 (c) Except in the case of a person who is the subject of an  
18 expunction order on the basis of an acquittal or an expunction order  
19 based on an entitlement under Article 55A.006 and except as  
20 provided by Article 55A.357, the clerk of the court shall destroy  
21 all the files or other records maintained under Subsection (b) not  
22 earlier than the 60th day after the date the order is issued or  
23 later than the first anniversary of that date, unless the records or  
24 files were released under Article 55A.355.

25 (d) Not later than the 30th day before the date on which the  
26 clerk destroys files or other records under Subsection (c), the  
27 clerk shall provide notice by mail, electronic mail, or facsimile



1 transmission to the attorney representing the state in the  
2 expunction proceeding. If the attorney representing the state in  
3 the expunction proceeding objects to the destruction not later than  
4 the 20th day after receiving notice under this subsection, the  
5 clerk may not destroy the files or other records until the first  
6 anniversary of the date the expunction order is issued or the first  
7 business day after that date.

8 (e) The clerk shall certify to the court the destruction of  
9 files or other records under Subsection (c). (Code Crim. Proc.,  
10 Art. 55.02, Secs. 5(c), (d), (d-1), (e).)

11 Art. 55A.357. RETENTION OF FINANCIAL TRANSACTION RECORDS.

12 (a) Notwithstanding Articles 55A.353, 55A.354, 55A.355, and  
13 55A.356 and in accordance with internal financial control  
14 procedures, an official, agency, court, or other entity may retain  
15 receipts, invoices, vouchers, or similar records of financial  
16 transactions that arose from an expunction proceeding or  
17 prosecution of the underlying criminal action.

18 (b) An official, agency, court, or other entity that retains  
19 records under this article shall obliterate all portions of the  
20 record or file that identify the person who is the subject of the  
21 expunction order. (Code Crim. Proc., Art. 55.02, Sec. 5(g).)

22 SUBCHAPTER I. EFFECT OF EXPUNCTION ORDER

23 Art. 55A.401. EFFECT OF FINAL EXPUNCTION ORDER. When an  
24 expunction order issued under Subchapter E or F is final:

25 (1) the release, maintenance, dissemination, or use of  
26 the expunged records and files for any purpose is prohibited;

27 (2) except as provided by Subdivision (3), the person

1 arrested may deny the occurrence of the arrest and the existence of  
2 the expunction order; and

3 (3) the person arrested or any other person, when  
4 questioned under oath in a criminal proceeding about an arrest for  
5 which the records have been expunged, may state only that the matter  
6 in question has been expunged. (Code Crim. Proc., Art. 55.03.)

7 Art. 55A.402. OFFENSE FOR VIOLATION OF EXPUNCTION ORDER.

8 (a) A person commits an offense if the person:

9 (1) learns of an arrest while an officer or employee of  
10 the state or of any agency or other entity of the state or any  
11 political subdivision of the state;

12 (2) knows of an order expunging the records and files  
13 relating to that arrest; and

14 (3) knowingly releases, disseminates, or otherwise  
15 uses the records or files.

16 (b) A person commits an offense if the person knowingly  
17 fails to return or to obliterate identifying portions of a record or  
18 file ordered expunged under this chapter.

19 (c) An offense under this article is a Class B misdemeanor.  
20 (Code Crim. Proc., Art. 55.04.)

21 SUBCHAPTER J. NOTICE OF EXPUNCTION LAW

22 Art. 55A.451. NOTICE OF EXPUNCTION LAW TO PERSONS RELEASED  
23 FOLLOWING ARREST. On release or discharge of an arrested person,  
24 the person responsible for the release or discharge shall give the  
25 released or discharged person a written explanation of that  
26 person's rights under this chapter and a copy of the provisions of  
27 this chapter. (Code Crim. Proc., Art. 55.05.)

1 SECTION 1.002. Subchapter F, Chapter 19A, Code of Criminal  
2 Procedure, is amended by adding Article 19A.256 to read as follows:

3 Art. 19A.256. ASSEMBLY OF GRAND JURY IN SEXUAL ASSAULT  
4 CASES. (a) If a district judge becomes aware that sexual assault  
5 within the jurisdiction of the court has probably been committed,  
6 the judge shall direct the grand jury to investigate the  
7 accusation:

8 (1) immediately, if the court is in session; or

9 (2) at the next term of a district court in any county  
10 of the district, if the court is not in session.

11 (b) If the court is in session but the grand jury has been  
12 discharged, the district judge shall immediately recall the grand  
13 jury to investigate the accusation.

14 SECTION 1.003. Section 502.407, Transportation Code, is  
15 amended by adding Subsection (b-1) to read as follows:

16 (b-1) For purposes of dismissing a charge under Subsection  
17 (b), "day" does not include Saturday, Sunday, or a legal holiday.

18 ARTICLE 2. CONFORMING AMENDMENTS

19 SECTION 2.001. Section 122.351, Agriculture Code, is  
20 amended to read as follows:

21 Sec. 122.351. DEFINITION. In this subchapter, "peace  
22 officer" has the meaning assigned by Article 2A.001 [~~2.12~~], Code of  
23 Criminal Procedure.

24 SECTION 2.002. Section 153.003, Agriculture Code, is  
25 amended to read as follows:

26 Sec. 153.003. INSPECTIONS. Program rules must authorize  
27 the special rangers appointed under Article 2A.006 [~~2.125~~], Code of

1 Criminal Procedure, and other association employees designated by  
2 the special rangers, to inspect and record brands and other  
3 identifying characteristics of cattle at livestock auction  
4 markets.

5 SECTION 2.003. Section 106.12(f), Alcoholic Beverage Code,  
6 is amended to read as follows:

7 (f) The procedures for expunction provided under this  
8 section are separate and distinct from the expunction procedures  
9 under Chapter 55A [~~55~~], Code of Criminal Procedure.

10 SECTION 2.004. Section 108.001(6), Business & Commerce  
11 Code, is amended to read as follows:

12 (6) "Peace officer" means a person elected, employed,  
13 or appointed as a peace officer under Article 2A.001 [~~2.12~~], Code of  
14 Criminal Procedure, or other law.

15 SECTION 2.005. Section 109.001(5), Business & Commerce  
16 Code, is amended to read as follows:

17 (5) "Confidential criminal record information of a  
18 child" means information about a person's involvement in the  
19 criminal justice system resulting from conduct that occurred or was  
20 alleged to occur when the person was younger than 17 years of age  
21 that is confidential under Chapter 45A [~~45~~], Code of Criminal  
22 Procedure, or other law. The term does not include:

23 (A) criminal record information of a person  
24 certified to stand trial as an adult for that conduct, as provided  
25 by Section 54.02, Family Code; or

26 (B) information relating to a traffic offense.

27 SECTION 2.006. Section 109.002(a), Business & Commerce

1 Code, is amended to read as follows:

2 (a) Except as provided by Subsection (b), this chapter  
3 applies to:

4 (1) a business entity that:

5 (A) publishes criminal record information,  
6 including information:

7 (i) originally obtained pursuant to a  
8 request for public information under Chapter 552, Government Code;  
9 or

10 (ii) purchased or otherwise obtained by the  
11 entity or an affiliated business entity from the Department of  
12 Public Safety under Subchapter F, Chapter 411, Government Code; and

13 (B) requires the payment:

14 (i) of a fee in an amount of \$150 or more or  
15 other consideration of comparable value to remove criminal record  
16 information; or

17 (ii) of a fee or other consideration to  
18 correct or modify criminal record information; or

19 (2) a business entity that publishes confidential  
20 juvenile record information or confidential criminal record  
21 information of a child in a manner not permitted by Chapter 58,  
22 Family Code, Chapter 45A [~~45~~], Code of Criminal Procedure, or other  
23 law, regardless of:

24 (A) the source of the information; or

25 (B) whether the business entity charges a fee for  
26 access to or removal or correction of the information.

27 SECTION 2.007. Section 109.005(a), Business & Commerce

1 Code, is amended to read as follows:

2 (a) A business entity may not publish any criminal record  
3 information in the business entity's possession with respect to  
4 which the business entity has knowledge or has received notice  
5 that:

6 (1) an order of expunction has been issued under  
7 Article 55A.201 [~~55.02~~], Code of Criminal Procedure; or

8 (2) an order of nondisclosure of criminal history  
9 record information has been issued under Subchapter E-1, Chapter  
10 411, Government Code.

11 SECTION 2.008. Section 114.0001(4), Business & Commerce  
12 Code, as added by Chapter 47 (H.B. 390), Acts of the 87th  
13 Legislature, Regular Session, 2021, is amended to read as follows:

14 (4) "Peace officer" means a peace officer described by  
15 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, appointed or  
16 employed to serve as a peace officer for a law enforcement agency.

17 SECTION 2.009. Section 30.006(a), Civil Practice and  
18 Remedies Code, is amended to read as follows:

19 (a) In this section, "law enforcement agency" means a  
20 governmental agency that employs a peace officer as defined by  
21 [~~under~~] Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

22 SECTION 2.010. Section 78A.001(1), Civil Practice and  
23 Remedies Code, is amended to read as follows:

24 (1) "First responder" means a law enforcement, fire  
25 protection, or emergency medical services employee or volunteer,  
26 including:

27 (A) a peace officer as defined by Article 2A.001

1 ~~[2.12]~~, Code of Criminal Procedure;

2 (B) fire protection personnel as defined by  
3 Section 419.021, Government Code;

4 (C) a volunteer firefighter who is:

5 (i) certified by the Texas Commission on  
6 Fire Protection or by the State Firefighters' and Fire Marshals'  
7 Association of Texas; or

8 (ii) a member of an organized volunteer  
9 fire-fighting unit that renders fire-fighting services without  
10 remuneration and conducts a minimum of two drills each month, each  
11 two hours long; and

12 (D) an individual certified as emergency medical  
13 services personnel by the Department of State Health Services.

14 SECTION 2.011. Section 100.001, Civil Practice and Remedies  
15 Code, is amended to read as follows:

16 Sec. 100.001. AFFIRMATIVE DEFENSE. It is an affirmative  
17 defense to a civil action for damages for personal injury or death  
18 brought against a person performing duties under Article 2A.002(f)  
19 ~~[2.122(f)]~~, Code of Criminal Procedure, the person's employer, or  
20 the owner of a commercial nuclear power plant where the person was  
21 working, that at the time the cause of action arose the person was  
22 justified in using force under Chapter 9, Penal Code.

23 SECTION 2.012. Article 5.03, Code of Criminal Procedure, is  
24 amended to read as follows:

25 Art. 5.03. FAMILY OR HOUSEHOLD RELATIONSHIP DOES NOT CREATE  
26 AN EXCEPTION TO OFFICIAL DUTIES. A general duty prescribed for an  
27 officer by Chapter 2A ~~[2 of this code]~~ is not waived or excepted in

1 any family violence case or investigation because of a family or  
2 household relationship between an alleged violator and the victim  
3 of family violence. A peace officer's or a magistrate's duty to  
4 prevent the commission of criminal offenses, including acts of  
5 family violence, is not waived or excepted because of a family or  
6 household relationship between the potential violator and victim.

7 SECTION 2.013. Articles 14.03(g)(1) and (2), Code of  
8 Criminal Procedure, are amended to read as follows:

9 (1) A peace officer described by [~~listed in~~  
10 ~~Subdivision (1), (2), or (5),~~] Article 2A.001(1), (2), or (5)  
11 [~~2.12~~], who is licensed under Chapter 1701, Occupations Code, and  
12 is outside of the officer's jurisdiction may arrest without a  
13 warrant a person who commits any offense within the officer's  
14 presence or view, other than a violation of Subtitle C, Title 7,  
15 Transportation Code.

16 (2) A peace officer described by [~~listed in~~  
17 ~~Subdivision (3),~~] Article 2A.001(3) [~~2.12~~], who is licensed under  
18 Chapter 1701, Occupations Code, and is outside of the officer's  
19 jurisdiction may arrest without a warrant a person who commits any  
20 offense within the officer's presence or view, except that an  
21 officer described in this subdivision who is outside of that  
22 officer's jurisdiction may arrest a person for a violation of  
23 Subtitle C, Title 7, Transportation Code, only if the offense is  
24 committed in the county or counties in which the municipality  
25 employing the peace officer is located.

26 SECTION 2.014. Article 15.18(d), Code of Criminal  
27 Procedure, is amended to read as follows:



1 (d) This article does not apply to an arrest made pursuant  
2 to a capias pro fine issued under Chapter 43 or Article 45A.259  
3 [~~45.045~~].

4 SECTION 2.015. Article 17.291(a), Code of Criminal  
5 Procedure, is amended to read as follows:

6 (a) In this article:

7 (1) "Family [~~family~~] violence" has the meaning  
8 assigned [~~to that phrase~~] by Section 71.004, Family Code. [~~and~~]

9 (2) "Magistrate [~~magistrate~~]" has the meaning  
10 assigned [~~to it~~] by Article 2A.151 [~~2.09 of this code~~].

11 SECTION 2.016. Section 4(a), Article 17.42, Code of  
12 Criminal Procedure, is amended to read as follows:

13 (a) Except as otherwise provided by this subsection, if a  
14 court releases an accused on personal bond on the recommendation of  
15 a personal bond office, the court shall assess a personal bond  
16 reimbursement fee of \$20 or three percent of the amount of the bail  
17 fixed for the accused, whichever is greater. The court may waive  
18 the fee or assess a lesser fee if good cause is shown. A court that  
19 requires a defendant to give a personal bond under Article 45A.107  
20 [~~45.016~~] may not assess a personal bond fee under this subsection.

21 SECTION 2.017. Article 24.01(c), Code of Criminal  
22 Procedure, is amended to read as follows:

23 (c) A person who is not a peace officer may not be compelled  
24 to accept the duty to execute a subpoena, but if the person [~~he~~]  
25 agrees in writing to accept that duty and neglects or refuses to  
26 serve or return the subpoena, the person [~~he~~] may be punished in  
27 accordance with Article 2A.055 [~~2.16 of this code~~].

1 SECTION 2.018. Article 27.14(d), Code of Criminal  
2 Procedure, is amended to read as follows:

3 (d) If written notice of an offense for which maximum  
4 possible punishment is by fine only or of a violation relating to  
5 the manner, time, and place of parking has been prepared,  
6 delivered, and filed with the court and a legible duplicate copy has  
7 been given to the defendant, the written notice serves as a  
8 complaint to which the defendant may plead "guilty," "not guilty,"  
9 or "nolo contendere." If the defendant pleads "not guilty" to the  
10 offense or fails to appear based on the written notice, a complaint  
11 shall be filed that conforms to the requirements of Chapter 45A [~~45~~  
12 ~~of this code~~], and that complaint serves as an original complaint.  
13 A defendant may waive the filing of a sworn complaint and elect that  
14 the prosecution proceed on the written notice of the charged  
15 offense if the defendant agrees in writing with the prosecution,  
16 signs the agreement, and files it with the court.

17 SECTION 2.019. Article 38.141(c), Code of Criminal  
18 Procedure, is amended to read as follows:

19 (c) In this article, "peace officer" means a person listed  
20 in Article 2A.001 [~~2.12~~], and "special investigator" means a person  
21 listed in Article 2A.002 [~~2.122~~].

22 SECTION 2.020. Section 9, Article 38.22, Code of Criminal  
23 Procedure, is amended to read as follows:

24 Sec. 9. Notwithstanding any other provision of this  
25 article, no oral, sign language, or written statement that is made  
26 by a person accused of an offense listed in Article 2B.0202(a)  
27 [~~2.32(b)~~] and made as a result of a custodial interrogation

1 occurring in a place of detention, as [~~that term is~~] defined by  
2 Article 2B.0201 [~~2.32~~], is admissible against the accused in a  
3 criminal proceeding unless:

4 (1) an electronic recording was made of the statement,  
5 as required by Article 2B.0202(a) [~~2.32(b)~~]; or

6 (2) the attorney representing the state offers proof  
7 satisfactory to the court that good cause, as described by Article  
8 2B.0202(c) [~~2.32(d)~~], existed that made electronic recording of the  
9 custodial interrogation infeasible.

10 SECTION 2.021. Article 38.43(e), Code of Criminal  
11 Procedure, is amended to read as follows:

12 (e) To the extent of any conflict, this article controls  
13 over Article 2A.155 [~~2.21~~].

14 SECTION 2.022. Article 38.50(f), Code of Criminal  
15 Procedure, is amended to read as follows:

16 (f) To the extent of any conflict between this article and  
17 Article 2A.155 [~~2.21~~] or 38.43, this article controls.

18 SECTION 2.023. Article 42.111, Code of Criminal Procedure,  
19 is amended to read as follows:

20 Art. 42.111. DEFERRAL OF PROCEEDINGS IN CASES APPEALED TO  
21 COUNTY COURT. If a defendant convicted of a misdemeanor punishable  
22 by fine only appeals the conviction to a county court, on the trial  
23 in county court the defendant may enter a plea of guilty or nolo  
24 contendere to the offense. If the defendant enters a plea of guilty  
25 or nolo contendere, the court may defer further proceedings without  
26 entering an adjudication of guilt in the same manner as provided for  
27 the deferral of proceedings in justice court or municipal court

1 under Subchapter G, Chapter 45A [~~Article 45.051 of this code~~]. This  
2 article does not apply to a misdemeanor case disposed of under  
3 Subchapter B, Chapter 543, Transportation Code, or a serious  
4 traffic violation as defined by Section 522.003, Transportation  
5 Code.

6 SECTION 2.024. Articles 42.15(a-1), (d), and (f), Code of  
7 Criminal Procedure, are amended to read as follows:

8 (a-1) Notwithstanding any other provision of this article,  
9 during or immediately after imposing a sentence in a case in which  
10 the defendant entered a plea in open court as provided by Article  
11 27.13, 27.14(a), or 27.16(a), a court shall inquire on the record  
12 whether the defendant has sufficient resources or income to  
13 immediately pay all or part of the fine and costs. If the court  
14 determines that the defendant does not have sufficient resources or  
15 income to immediately pay all or part of the fine and costs, the  
16 court shall determine whether the fine and costs should be:

17 (1) subject to Subsection (c), required to be paid at  
18 some later date or in a specified portion at designated intervals;

19 (2) discharged by performing community service under,  
20 as applicable, Article 43.09(f), 45A.254, 45A.459, or 45A.460  
21 [~~Article 45.049, Article 45.0492, as added by Chapter 227 (H.B.~~  
22 ~~350), Acts of the 82nd Legislature, Regular Session, 2011, or~~  
23 ~~Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the~~  
24 ~~82nd Legislature, Regular Session, 2011~~];

25 (3) waived in full or in part under Article 43.091 or  
26 45A.257 [~~45.0491~~]; or

27 (4) satisfied through any combination of methods under

1 Subdivisions (1)-(3).

2 (d) A judge may allow a defendant who is a child, as defined  
3 by Article 45A.453(a) [~~45.058(h)~~], to elect at the time of  
4 conviction, as defined by Section 133.101, Local Government Code,  
5 to discharge the fine and costs by:

6 (1) performing community service or receiving  
7 tutoring under Article 45A.460 [~~45.0492, as added by Chapter 227~~  
8 ~~(H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011~~];  
9 or

10 (2) paying the fine and costs in a manner described by  
11 Subsection (b).

12 (f) The requirement under Article 45A.460(a) [~~45.0492(a),~~  
13 ~~as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,~~  
14 ~~Regular Session, 2011,~~] that an offense occur in a building or on  
15 the grounds of the primary or secondary school at which the  
16 defendant was enrolled at the time of the offense does not apply to  
17 the performance of community service or the receipt of tutoring to  
18 discharge a fine or costs under Subsection (d)(1).

19 SECTION 2.025. Article 42A.655(f), Code of Criminal  
20 Procedure, is amended to read as follows:

21 (f) Notwithstanding any other law, if the court determines  
22 under this article at any time during a defendant's period of  
23 community supervision, including deferred adjudication community  
24 supervision, that the defendant does not have sufficient resources  
25 or income to make a payment included under Subsection (b), the court  
26 shall determine whether all or a portion of the payment should be:

27 (1) required to be paid at a later date or in a

1 specified portion at designated intervals;

2 (2) waived completely or partially under Article  
3 43.091 or 45A.257 [~~45.0491~~];

4 (3) discharged by performing community service under  
5 Article 42A.304 or 45A.254 [~~45.049~~], as applicable; or

6 (4) satisfied through any combination of methods under  
7 Subdivisions (1)-(3).

8 SECTION 2.026. Article 43.03(e), Code of Criminal  
9 Procedure, is amended to read as follows:

10 (e) This article does not apply to a court governed by  
11 Chapter 45A [~~45~~].

12 SECTION 2.027. Article 43.09(n), Code of Criminal  
13 Procedure, is amended to read as follows:

14 (n) This article does not apply to a court governed by  
15 Chapter 45A [~~45~~].

16 SECTION 2.028. Articles 43.091(a) and (c), Code of Criminal  
17 Procedure, are amended to read as follows:

18 (a) A court may waive payment of all or part of a fine  
19 imposed on a defendant if the court determines that:

20 (1) the defendant is indigent or does not have  
21 sufficient resources or income to pay all or part of the fine or  
22 was, at the time the offense was committed, a child as defined by  
23 Article 45A.453(a) [~~45.058(h)~~]; and

24 (2) each alternative method of discharging the fine  
25 under Article 43.09 or 42.15 would impose an undue hardship on the  
26 defendant.

27 (c) A court may waive payment of all or part of the costs

1 imposed on a defendant if the court determines that the defendant:

2 (1) is indigent or does not have sufficient resources  
3 or income to pay all or part of the costs; or

4 (2) was, at the time the offense was committed, a child  
5 as defined by Article 45A.453(a) [~~45.058(h)~~].

6 SECTION 2.029. Article 44.2811, Code of Criminal Procedure,  
7 is amended to read as follows:

8 Art. 44.2811. RECORDS RELATING TO CERTAIN FINE-ONLY  
9 MISDEMEANORS COMMITTED BY A CHILD. All records and files and  
10 information stored by electronic means or otherwise, from which a  
11 record or file could be generated, relating to a criminal case for a  
12 fine-only misdemeanor, other than a traffic offense, that is  
13 committed by a child and that is appealed are confidential and may  
14 not be disclosed to the public except as provided under Article  
15 45A.462(c) [~~45.0217(b)~~].

16 SECTION 2.030. Article 44.2812(a), Code of Criminal  
17 Procedure, is amended to read as follows:

18 (a) Except as provided by Subsection (b) and Article  
19 45A.055(b) [~~45.0218(b)~~], following the fifth anniversary of the  
20 date of a final conviction of, or of a dismissal after deferral of  
21 disposition for, a misdemeanor offense punishable by fine only, all  
22 records and files and information stored by electronic means or  
23 otherwise, from which a record or file could be generated, that are  
24 held or stored by or for an appellate court and relate to the person  
25 who was convicted of, or who received a dismissal after deferral of  
26 disposition for, the offense are confidential and may not be  
27 disclosed to the public.

1 SECTION 2.031. Article 46C.155(b), Code of Criminal  
2 Procedure, is amended to read as follows:

3 (b) A defendant who is found not guilty by reason of  
4 insanity is not considered to be acquitted for purposes of Chapter  
5 55A [~~55~~].

6 SECTION 2.032. Article 56B.251, Code of Criminal Procedure,  
7 is amended to read as follows:

8 Art. 56B.251. DEFINITION. In this subchapter, "peace  
9 officer" means an individual elected, appointed, or employed to  
10 serve as a peace officer for a governmental entity under Article  
11 2A.001 [~~2.12~~] or other law. The term includes a former peace  
12 officer who is entitled to receive payments under this subchapter  
13 because of an injury suffered while performing duties as a peace  
14 officer.

15 SECTION 2.033. Article 59.06(c-1), Code of Criminal  
16 Procedure, is amended to read as follows:

17 (c-1) Notwithstanding Subsection (a), the attorney  
18 representing the state and special rangers of the Texas and  
19 Southwestern Cattle Raisers Association who meet the requirements  
20 of Article 2A.006 [~~2.125~~] may enter into a local agreement that  
21 allows the attorney representing the state to transfer proceeds  
22 from the sale of forfeited property described by Subsection (c),  
23 after the deduction of court costs as described by that subsection,  
24 to a special fund established for the special rangers. Proceeds  
25 transferred under this subsection must be used by the special  
26 rangers solely for law enforcement purposes. Any expenditures of  
27 the proceeds are subject to the audit provisions established under



1 this article.

2 SECTION 2.034. Article 66.105(a), Code of Criminal  
3 Procedure, is amended to read as follows:

4 (a) On receipt of information from a local law enforcement  
5 agency under Article 2A.061 [~~2.28~~], the Department of Public Safety  
6 shall:

7 (1) provide the notice described by Article 2A.061(1)  
8 [~~2.28(1)~~] to the person whose identity was misused, if the local law  
9 enforcement agency was unable to notify the person under that  
10 subdivision;

11 (2) take action to ensure that the information  
12 maintained in the computerized criminal history system reflects the  
13 use of the person's identity as a stolen alias; and

14 (3) notify the Texas Department of Criminal Justice  
15 that the person's identifying information may have been falsely  
16 used by an inmate in the custody of the Texas Department of Criminal  
17 Justice.

18 SECTION 2.035. Articles 102.006(a-1), (b), and (b-1), Code  
19 of Criminal Procedure, are amended to read as follows:

20 (a-1) In addition to any other fees required by other law  
21 and except as provided by Subsection (b), a petitioner seeking  
22 expunction of a criminal record in a justice court or a municipal  
23 court of record under Chapter 55A [~~55~~] shall pay a fee of \$100 for  
24 filing an ex parte petition for expunction to defray the cost of  
25 notifying state agencies of orders of expunction under that  
26 chapter.

27 (b) The fees under Subsection (a) or the fee under

1 Subsection (a-1), as applicable, shall be waived if the petitioner  
2 seeks expunction of a criminal record that relates to an arrest for  
3 an offense of which the person was acquitted, other than an  
4 acquittal for an offense described by Article 55A.151 [~~55.01(c)~~],  
5 and the petition for expunction is filed not later than the 30th day  
6 after the date of the acquittal.

7 (b-1) The fees under Subsection (a) shall be waived if the  
8 petitioner is entitled to expunction:

9 (1) under Article 55A.053(a)(2)(A)  
10 [~~55.01(a)(2)(A)(ii)(a)~~] after successful completion of a veterans  
11 treatment court program created under Chapter 124, Government Code,  
12 or former law; or

13 (2) under Article 55A.053(a)(2)(B)  
14 [~~55.01(a)(2)(A)(ii)(b)~~] after successful completion of a mental  
15 health court program created under Chapter 125, Government Code, or  
16 former law.

17 SECTION 2.036. Section 25.091(c)(2), Education Code, is  
18 amended to read as follows:

19 (2) "Peace officer" has the meaning assigned by  
20 Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

21 SECTION 2.037. Section 25.093(c-1), Education Code, is  
22 amended to read as follows:

23 (c-1) Each day the child remains out of school may  
24 constitute a separate offense. Two or more offenses under  
25 Subsection (a) may be consolidated and prosecuted in a single  
26 action. If the court orders deferred disposition under Subchapter  
27 G, Chapter 45A [~~Article 45.051~~], Code of Criminal Procedure, the

1 court may require the defendant to provide personal services to a  
2 charitable or educational institution as a condition of the  
3 deferral.

4 SECTION 2.038. Section 25.0952, Education Code, is amended  
5 to read as follows:

6 Sec. 25.0952. PROCEDURES APPLICABLE TO PARENT CONTRIBUTING  
7 TO NONATTENDANCE OFFENSE. In a proceeding based on a complaint  
8 under Section 25.093, the court shall, except as otherwise provided  
9 by this chapter, use the procedures and exercise the powers  
10 authorized by Chapter 45A [~~45~~], Code of Criminal Procedure.

11 SECTION 2.039. Section 37.081(b), Education Code, is  
12 amended to read as follows:

13 (b) In a peace officer's jurisdiction, a peace officer  
14 commissioned under this section:

15 (1) has the powers, privileges, and immunities of  
16 peace officers;

17 (2) may enforce all laws, including municipal  
18 ordinances, county ordinances, and state laws;

19 (3) may, in accordance with Chapter 52, Family Code,  
20 or Article 45A.453 [~~45.058~~], Code of Criminal Procedure, take a  
21 child into custody; and

22 (4) may dispose of cases in accordance with Section  
23 52.03 or 52.031, Family Code.

24 SECTION 2.040. Section 37.146, Education Code, is amended  
25 to read as follows:

26 Sec. 37.146. REQUISITES OF COMPLAINT. (a) A complaint  
27 alleging the commission of a school offense must, in addition to the

1 requirements imposed by Article 45A.101 [~~45.019~~], Code of Criminal  
2 Procedure:

3 (1) be sworn to by a person who has personal knowledge  
4 of the underlying facts giving rise to probable cause to believe  
5 that an offense has been committed; and

6 (2) be accompanied by a statement from a school  
7 employee stating:

8 (A) whether the child is eligible for or receives  
9 special services under Subchapter A, Chapter 29; and

10 (B) the graduated sanctions, if required under  
11 Section 37.144, that were imposed on the child before the complaint  
12 was filed.

13 (b) After a complaint has been filed under this subchapter,  
14 a summons may be issued under Articles 23.04 and 45A.457(e)  
15 [~~45.057(e)~~], Code of Criminal Procedure.

16 (c) A complaint under this subchapter may include a  
17 recommendation by a school employee that the child attend a teen  
18 court program under Article 45A.401 [~~45.052~~], Code of Criminal  
19 Procedure, if the school employee believes attending a teen court  
20 program is in the best interest of the child.

21 SECTION 2.041. Section 61.9951, Education Code, is amended  
22 to read as follows:

23 Sec. 61.9951. DEFINITION. In this subchapter, "peace  
24 officer" has the meaning assigned by Article 2A.001 [~~2.12~~], Code of  
25 Criminal Procedure.

26 SECTION 2.042. Section 1001.002(a), Education Code, is  
27 amended to read as follows:

1 (a) An organization is exempt from this chapter if the  
2 organization:

3 (1) has 50,000 or more members;

4 (2) qualifies for a tax exemption under Section  
5 501(a), Internal Revenue Code of 1986, as an organization described  
6 by Section 501(c)(4) of that code; and

7 (3) conducts for its members and other individuals who  
8 are at least 50 years of age a driving safety course that is not used  
9 for purposes of Subchapter H, Chapter 45A [~~Article 45.0511~~], Code  
10 of Criminal Procedure.

11 SECTION 2.043. Section 1001.151(b), Education Code, is  
12 amended to read as follows:

13 (b) The commission by rule shall establish a fee for:

14 (1) an initial in-person driver education provider  
15 license and for each branch location;

16 (2) an initial online driver education provider  
17 license;

18 (3) an initial parent-taught driver education  
19 provider license;

20 (4) an initial driving safety provider license;

21 (5) the annual renewal for a driving safety provider,  
22 driver education provider, or branch location of an in-person  
23 driver education provider, except that the executive director may  
24 waive the fee if revenue generated by the issuance of course  
25 completion certificate numbers and driver education certificates  
26 is sufficient to cover the cost of administering this chapter and  
27 Subchapter H, Chapter 45A [~~Article 45.0511~~], Code of Criminal

1 Procedure;

2 (6) a change of address of a driver education provider  
3 or driving safety provider; and

4 (7) a change of name of:

5 (A) a driver education provider or an owner of a  
6 driver education provider; or

7 (B) a driving safety provider or an owner of a  
8 driving safety provider.

9 SECTION 2.044. Section 1001.453(a), Education Code, is  
10 amended to read as follows:

11 (a) A person may not distribute within 500 feet of a court  
12 with jurisdiction over an offense to which Subchapter H, Chapter  
13 45A [~~Article 45.0511~~], Code of Criminal Procedure, applies written  
14 information that advertises a driving safety provider.

15 SECTION 2.045. Section 13.004(c), Election Code, is amended  
16 to read as follows:

17 (c) The following information furnished on a registration  
18 application is confidential and does not constitute public  
19 information for purposes of Chapter 552, Government Code:

20 (1) a social security number;

21 (2) a Texas driver's license number;

22 (3) a number of a personal identification card issued  
23 by the Department of Public Safety;

24 (4) the residence address of the applicant, if the  
25 applicant is a federal judge, including a federal bankruptcy judge,  
26 a marshal of the United States Marshals Service, a United States  
27 attorney, or a state judge, a family member of a federal judge,

1 including a federal bankruptcy judge, a marshal of the United  
2 States Marshals Service, a United States attorney, or a state  
3 judge, the spouse of a peace officer as defined by Article 2A.001  
4 [~~2.12~~], Code of Criminal Procedure, or an individual to whom  
5 Section 552.1175, Government Code, or Section 521.1211,  
6 Transportation Code, applies and the applicant:

7 (A) included an affidavit with the registration  
8 application describing the applicant's status under this  
9 subdivision, if the applicant is a federal judge, including a  
10 federal bankruptcy judge, a marshal of the United States Marshals  
11 Service, a United States attorney, or a state judge or a family  
12 member of a federal judge, including a federal bankruptcy judge, a  
13 marshal of the United States Marshals Service, a United States  
14 attorney, or a state judge;

15 (B) provided the registrar with an affidavit  
16 describing the applicant's status under this subdivision, if the  
17 applicant is a federal judge, including a federal bankruptcy judge,  
18 a marshal of the United States Marshals Service, a United States  
19 attorney, or a state judge or a family member of a federal judge,  
20 including a federal bankruptcy judge, a marshal of the United  
21 States Marshals Service, a United States attorney, or a state  
22 judge; or

23 (C) provided the registrar with a completed form  
24 approved by the secretary of state for the purpose of notifying the  
25 registrar of the applicant's status under this subdivision;

26 (5) the residence address of the applicant, if the  
27 applicant, the applicant's child, or another person in the

1 applicant's household is a victim of family violence as defined by  
2 Section 71.004, Family Code, who provided the registrar with:

3 (A) a copy of a protective order issued under  
4 Chapter 85, Family Code, or a magistrate's order for emergency  
5 protection issued under Article 17.292, Code of Criminal Procedure;  
6 or

7 (B) other independent documentary evidence  
8 necessary to show that the applicant, the applicant's child, or  
9 another person in the applicant's household is a victim of family  
10 violence;

11 (6) the residence address of the applicant, if the  
12 applicant, the applicant's child, or another person in the  
13 applicant's household is a victim of sexual assault or abuse,  
14 stalking, or trafficking of persons who provided the registrar  
15 with:

16 (A) a copy of a protective order issued under  
17 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a  
18 magistrate's order for emergency protection issued under Article  
19 17.292, Code of Criminal Procedure; or

20 (B) other independent documentary evidence  
21 necessary to show that the applicant, the applicant's child, or  
22 another person in the applicant's household is a victim of sexual  
23 assault or abuse, stalking, or trafficking of persons;

24 (7) the residence address of the applicant, if the  
25 applicant:

26 (A) is a participant in the address  
27 confidentiality program administered by the attorney general under



1 Subchapter B, Chapter 58, Code of Criminal Procedure; and

2 (B) provided the registrar with proof of  
3 certification under Article 58.059, Code of Criminal Procedure; or

4 (8) the telephone number of any applicant submitting  
5 documentation under Subdivision (4), (5), (6), or (7).

6 SECTION 2.046. Section 51.02(7), Family Code, is amended to  
7 read as follows:

8 (7) "Law-enforcement officer" means a peace officer as  
9 defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

10 SECTION 2.047. Section 51.08(d), Family Code, is amended to  
11 read as follows:

12 (d) A court that has implemented a juvenile case manager  
13 program under Article 45A.451 [~~45.056~~], Code of Criminal Procedure,  
14 may, but is not required to, waive its original jurisdiction under  
15 Subsection (b)(1)(B).

16 SECTION 2.048. Section 51.12(a), Family Code, is amended to  
17 read as follows:

18 (a) Except as provided by Subsection (h), a child may be  
19 detained only in a:

20 (1) juvenile processing office in compliance with  
21 Section 52.025;

22 (2) place of nonsecure custody in compliance with  
23 Article 45A.453 [~~45.058~~], Code of Criminal Procedure;

24 (3) certified juvenile detention facility that  
25 complies with the requirements of Subsection (f);

26 (4) secure detention facility as provided by  
27 Subsection (j);

1           (5) county jail or other facility as provided by  
2 Subsection (1); or

3           (6) nonsecure correctional facility as provided by  
4 Subsection (j-1).

5           SECTION 2.049. Section 65.017, Family Code, is amended to  
6 read as follows:

7           Sec. 65.017. JUVENILE CASE MANAGERS. A truancy court may  
8 employ a juvenile case manager in accordance with Article 45A.451  
9 [~~45.056~~], Code of Criminal Procedure, to provide services to  
10 children who have been referred to the truancy court or who are in  
11 jeopardy of being referred to the truancy court.

12           SECTION 2.050. Sections 261.301(f) and (h), Family Code,  
13 are amended to read as follows:

14           (f) An investigation of a report to the department that  
15 alleges that a child has been or may be the victim of conduct that  
16 constitutes a criminal offense that poses an immediate risk of  
17 physical or sexual abuse of a child that could result in the death  
18 of or serious harm to the child shall be conducted jointly by a  
19 peace officer, as defined by Article 2A.001 [~~2.12~~], Code of  
20 Criminal Procedure, from the appropriate local law enforcement  
21 agency and the department or the agency responsible for conducting  
22 an investigation under Subchapter E.

23           (h) The department and the appropriate local law  
24 enforcement agency shall conduct an investigation, other than an  
25 investigation under Subchapter E, as provided by this section and  
26 Article 2A.057 [~~2.27~~], Code of Criminal Procedure, if the  
27 investigation is of a report that alleges that a child has been or

1 may be the victim of conduct that constitutes a criminal offense  
2 that poses an immediate risk of physical or sexual abuse of a child  
3 that could result in the death of or serious harm to the child.  
4 Immediately on receipt of a report described by this subsection,  
5 the department shall notify the appropriate local law enforcement  
6 agency of the report.

7 SECTION 2.051. Section 261.3023, Family Code, is amended to  
8 read as follows:

9 Sec. 261.3023. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY  
10 CHECK ALERT. If a law enforcement officer encounters a child or  
11 other person listed on the Texas Crime Information Center's child  
12 safety check alert list, the law enforcement officer shall follow  
13 the procedures described by Article 2A.056 [~~2.272~~], Code of  
14 Criminal Procedure.

15 SECTION 2.052. Sections 261.3024(a) and (b), Family Code,  
16 are amended to read as follows:

17 (a) A law enforcement officer who locates a child listed on  
18 the Texas Crime Information Center's child safety check alert list  
19 shall report that the child has been located in the manner  
20 prescribed by Article 2A.056 [~~2.272~~], Code of Criminal Procedure.

21 (b) If the department locates a child who has been placed on  
22 the child safety check alert list established under Section  
23 261.3022 through a means other than information reported to the  
24 department by a law enforcement officer under Article 2A.056  
25 [~~2.272~~], Code of Criminal Procedure, the department shall report to  
26 the Texas Crime Information Center that the child has been located.

27 SECTION 2.053. Section 264.302(e), Family Code, is amended

1 to read as follows:

2 (e) The department shall provide services for a child and  
3 the child's family if a contract to provide services under this  
4 section is available in the county and the child is referred to the  
5 department as an at-risk child by:

6 (1) a juvenile court or probation department as part  
7 of a progressive sanctions program under Chapter 59;

8 (2) a law enforcement officer or agency under Section  
9 52.03; or

10 (3) a justice or municipal court under Article 45A.457  
11 [~~45.057~~], Code of Criminal Procedure.

12 SECTION 2.054. Section 25.0732(z), Government Code, is  
13 amended to read as follows:

14 (z) The County Criminal Courts No. 1, No. 2, No. 3, and  
15 No. 4 have the criminal jurisdiction provided by this section and  
16 other law for statutory county courts in El Paso County and  
17 appellate jurisdiction in appeals of criminal cases from justice  
18 courts and municipal courts in the county as provided by Article  
19 45A.202 [~~45.042~~], Code of Criminal Procedure. The County Criminal  
20 Court No. 4 shall give preference to cases prosecuted under:

21 (1) Section 22.01, Penal Code, in which the victim is a  
22 person whose relationship to or association with the defendant is  
23 described under Chapter 71, Family Code; and

24 (2) Section 25.07, Penal Code.

25 SECTION 2.055. Section 25.2422(a), Government Code, is  
26 amended to read as follows:

27 (a) In addition to the jurisdiction provided by Section

1 25.0003 and other law, a county court at law in Webb County has  
2 concurrent jurisdiction with the district court in:

- 3 (1) family law cases and proceedings;  
4 (2) cases and proceedings involving justiciable  
5 controversies and differences between spouses, or between parents,  
6 or between parent and child, or between any of these and third  
7 persons; and  
8 (3) proceedings to expunge a criminal arrest record  
9 under Chapter 55A [~~55~~], Code of Criminal Procedure.

10 SECTION 2.056. Section 30.00011, Government Code, is  
11 amended to read as follows:

12 Sec. 30.00011. PROSECUTIONS. All prosecutions in municipal  
13 courts of record shall be conducted as provided by Article 45A.005  
14 [~~45.03~~], Code of Criminal Procedure.

15 SECTION 2.057. Section 30.00013(a), Government Code, is  
16 amended to read as follows:

17 (a) Ordinances, rules, and procedures concerning a trial by  
18 a jury, including the summoning of jurors, must substantially  
19 conform to Chapter 45A [~~45~~], Code of Criminal Procedure.

20 SECTION 2.058. Section 30.001845(a), Government Code, is  
21 amended to read as follows:

22 (a) The governing body may appoint one or more magistrates  
23 in addition to magistrates provided under Article 2A.151 [~~2.09~~],  
24 Code of Criminal Procedure.

25 SECTION 2.059. Section 30.004945(a), Government Code, is  
26 amended to read as follows:

27 (a) The governing body may appoint one or more magistrates

1 in addition to magistrates provided under Article 2A.151 [~~2.09~~],  
2 Code of Criminal Procedure.

3 SECTION 2.060. Section 30.00635(a), Government Code, is  
4 amended to read as follows:

5 (a) The governing body may appoint one or more magistrates  
6 in addition to magistrates provided under Article 2A.151 [~~2.09~~],  
7 Code of Criminal Procedure.

8 SECTION 2.061. Section 30.01255(a), Government Code, is  
9 amended to read as follows:

10 (a) The governing body may appoint one or more magistrates  
11 in addition to magistrates provided under Article 2A.151 [~~2.09~~],  
12 Code of Criminal Procedure.

13 SECTION 2.062. Section 30.01542(a), Government Code, is  
14 amended to read as follows:

15 (a) The governing body may appoint one or more magistrates  
16 in addition to magistrates provided under Article 2A.151 [~~2.09~~],  
17 Code of Criminal Procedure.

18 SECTION 2.063. Section 51.1045(a), Government Code, is  
19 amended to read as follows:

20 (a) In this section, "digital multimedia evidence" has the  
21 meaning assigned by Article 2A.153 [~~2.21~~], Code of Criminal  
22 Procedure.

23 SECTION 2.064. Section 53.0071, Government Code, is amended  
24 to read as follows:

25 Sec. 53.0071. BAILIFF AS PEACE OFFICER. Unless the  
26 appointing judge provides otherwise in the order of appointment, a  
27 bailiff appointed under Section 53.001(b), (g), (k), or (m) or

1 53.002(c), (e), or (f) is a "peace officer" for purposes of Article  
2 2A.001 [~~2.12~~], Code of Criminal Procedure.

3 SECTION 2.065. Section 54.1955(a), Government Code, is  
4 amended to read as follows:

5 (a) Except as limited by an order of the county judge, a  
6 magistrate appointed under this subchapter may:

- 7 (1) conduct hearings;
- 8 (2) hear evidence;
- 9 (3) issue summons for the appearance of witnesses;
- 10 (4) examine witnesses;
- 11 (5) swear witnesses for hearings;
- 12 (6) recommend rulings or orders or a judgment in a  
13 case;
- 14 (7) regulate proceedings in a hearing;
- 15 (8) accept a plea of guilty or nolo contendere in a  
16 case alleging a violation of Section 25.093, Education Code, and  
17 assess a fine or court costs or order community service in  
18 satisfaction of a fine or costs in accordance with Article 45A.254  
19 [~~45.049~~], Code of Criminal Procedure;
- 20 (9) for a violation of Section 25.093, Education Code,  
21 enter an order suspending a sentence or deferring a final  
22 disposition that includes at least one of the requirements listed  
23 in Subchapter G, Chapter 45A [~~Article 45.051~~], Code of Criminal  
24 Procedure;
- 25 (10) for an uncontested adjudication of truant conduct  
26 under Section 65.003, Family Code, accept a plea to the petition or  
27 a stipulation of evidence, and take any other action authorized

1 under Chapter 65, Family Code; and

2 (11) perform any act and take any measure necessary  
3 and proper for the efficient performance of the duties required by  
4 the referral order, including the entry of an order that includes at  
5 least one of the remedial options in Section 65.103, Family Code.

6 SECTION 2.066. Section 54.2205(a), Government Code, is  
7 amended to read as follows:

8 (a) The judge of a district court or county court at law or a  
9 justice of the peace may refer to a magistrate any case or matter  
10 relating to a case for proceedings involving:

11 (1) a negotiated plea of guilty or no contest and  
12 sentencing before the court;

13 (2) a bond forfeiture, remittitur, and related  
14 proceedings;

15 (3) a pretrial motion;

16 (4) a writ of habeas corpus;

17 (5) an examining trial;

18 (6) an occupational driver's license;

19 (7) a petition for an order of expunction under  
20 Chapter 55A [~~55~~], Code of Criminal Procedure;

21 (8) an asset forfeiture hearing as provided by Chapter  
22 59, Code of Criminal Procedure;

23 (9) a petition for an order of nondisclosure of  
24 criminal history record information or an order of nondisclosure of  
25 criminal history record information that does not require a  
26 petition provided by Subchapter E-1, Chapter 411;

27 (10) a motion to modify or revoke community



1 supervision or to proceed with an adjudication of guilt;

2 (11) setting conditions, modifying, revoking, and  
3 surrendering of bonds, including surety bonds;

4 (12) specialty court proceedings;

5 (13) a waiver of extradition;

6 (14) selection of a jury; and

7 (15) any other matter the judge or justice of the peace  
8 considers necessary and proper.

9 SECTION 2.067. Section 54.2405(a), Government Code, is  
10 amended to read as follows:

11 (a) The judge of a district court or county court at law or a  
12 justice of the peace may refer to a magistrate any case or matter  
13 relating to a case for proceedings involving:

14 (1) a negotiated plea of guilty or no contest and  
15 sentencing before the court;

16 (2) a bond forfeiture, remittitur, and related  
17 proceedings;

18 (3) a pretrial motion;

19 (4) a writ of habeas corpus;

20 (5) an examining trial;

21 (6) an occupational driver's license;

22 (7) a petition for an order of expunction under  
23 Chapter 55A [~~55~~], Code of Criminal Procedure;

24 (8) an asset forfeiture hearing as provided by Chapter  
25 59, Code of Criminal Procedure;

26 (9) a petition for an order of nondisclosure of  
27 criminal history record information or an order of nondisclosure of

1 criminal history record information that does not require a  
2 petition provided by Subchapter E-1, Chapter 411;

3 (10) a motion to modify or revoke community  
4 supervision or to proceed with an adjudication of guilt;

5 (11) setting conditions, modifying, revoking, and  
6 surrendering of bonds, including surety bonds;

7 (12) specialty court proceedings;

8 (13) a waiver of extradition;

9 (14) selection of a jury; and

10 (15) any other matter the judge or justice of the peace  
11 considers necessary and proper.

12 SECTION 2.068. Section 54.2503(b), Government Code, is  
13 amended to read as follows:

14 (b) The criminal law magistrate court has the jurisdiction  
15 provided by the constitution and laws of this state for  
16 magistrates. A judge of the criminal law magistrate court is a  
17 magistrate as [~~that term is~~] defined by Article 2A.151 [~~2.09~~], Code  
18 of Criminal Procedure.

19 SECTION 2.069. Section 54.2606(a), Government Code, is  
20 amended to read as follows:

21 (a) A judge may refer to a magistrate any criminal case or  
22 matter relating to a criminal case for proceedings involving:

23 (1) a negotiated plea of guilty or no contest and  
24 sentencing before the court;

25 (2) a bond forfeiture, remittitur, and related  
26 proceedings;

27 (3) a pretrial motion;

- 1 (4) a writ of habeas corpus;
- 2 (5) an examining trial;
- 3 (6) an occupational driver's license;
- 4 (7) a petition for an order of expunction under
- 5 Chapter 55A [~~55~~], Code of Criminal Procedure;
- 6 (8) an asset forfeiture hearing as provided by Chapter
- 7 59, Code of Criminal Procedure;
- 8 (9) a petition for an order of nondisclosure of
- 9 criminal history record information or an order of nondisclosure of
- 10 criminal history record information that does not require a
- 11 petition provided by Subchapter E-1, Chapter 411;
- 12 (10) a motion to modify or revoke community
- 13 supervision or to proceed with an adjudication of guilty;
- 14 (11) setting conditions, modifying, revoking, and
- 15 surrendering of bonds, including surety bonds;
- 16 (12) specialty court proceedings;
- 17 (13) a waiver of extradition; and
- 18 (14) any other matter the judge considers necessary
- 19 and proper.

20 SECTION 2.070. Section 54.656(a), Government Code, is  
21 amended to read as follows:

22 (a) A judge may refer to a magistrate any criminal case or  
23 matter relating to a criminal case for proceedings involving:

24 (1) a negotiated plea of guilty or no contest and  
25 sentencing before the court;

26 (2) a bond forfeiture, remittitur, and related  
27 proceedings;

- 1 (3) a pretrial motion;
- 2 (4) a writ of habeas corpus;
- 3 (5) an examining trial;
- 4 (6) an occupational driver's license;
- 5 (7) a petition for an order of expunction under
- 6 Chapter 55A [~~55~~], Code of Criminal Procedure;
- 7 (8) an asset forfeiture hearing as provided by Chapter
- 8 59, Code of Criminal Procedure;
- 9 (9) a petition for an order of nondisclosure of
- 10 criminal history record information or an order of nondisclosure of
- 11 criminal history record information that does not require a
- 12 petition provided by Subchapter E-1, Chapter 411;
- 13 (10) a motion to modify or revoke community
- 14 supervision or to proceed with an adjudication of guilt;
- 15 (11) setting conditions, modifying, revoking, and
- 16 surrendering of bonds, including surety bonds;
- 17 (12) specialty court proceedings;
- 18 (13) a waiver of extradition; and
- 19 (14) any other matter the judge considers necessary
- 20 and proper.

21 SECTION 2.071. Section 54.733(c), Government Code, is  
22 amended to read as follows:

23 (c) The criminal law magistrate court has the jurisdiction  
24 provided by the constitution and laws of this state for  
25 magistrates. A judge of the criminal law magistrate court is a  
26 magistrate as [~~that term is~~] defined by Article 2A.151 [~~Section~~  
27 ~~2.09~~], Code of Criminal Procedure.

1 SECTION 2.072. Section 71.034(e), Government Code, is  
2 amended to read as follows:

3 (e) In addition to the information described by Subsection  
4 (a), the council shall include in the report a summary of  
5 information provided to the council during the preceding year under  
6 Articles 2A.211 [~~2.211~~] and 2A.212 [~~2.212~~], Code of Criminal  
7 Procedure.

8 SECTION 2.073. Section 71.0352, Government Code, is amended  
9 to read as follows:

10 Sec. 71.0352. JUVENILE DATA: JUSTICE, MUNICIPAL, AND  
11 TRUANCY COURTS. As a component of the official monthly report  
12 submitted to the Office of Court Administration of the Texas  
13 Judicial System:

14 (1) a justice court, municipal court, or truancy court  
15 shall report the number of cases filed for:

16 (A) truant conduct under Section 65.003(a),  
17 Family Code;

18 (B) the offense of parent contributing to  
19 nonattendance under Section 25.093, Education Code; and

20 (C) a violation of a local daytime curfew  
21 ordinance adopted under Section 341.905 or 351.903, Local  
22 Government Code; and

23 (2) in cases in which a child fails to obey an order of  
24 a justice court, municipal court, or truancy court under  
25 circumstances that would constitute contempt of court, the justice  
26 court, municipal court, or truancy court shall report the number of  
27 incidents in which the child is:

1 (A) referred to the appropriate juvenile court  
2 for delinquent conduct as provided by Article 45A.461(c)(1)  
3 [~~45.050(c)(1)~~], Code of Criminal Procedure, or Section 65.251,  
4 Family Code; or

5 (B) held in contempt, fined, or denied driving  
6 privileges as provided by Article 45A.461(c)(2) [~~45.050(c)(2)~~],  
7 Code of Criminal Procedure, or Section 65.251, Family Code.

8 SECTION 2.074. Section 72.151(2), Government Code, is  
9 amended to read as follows:

10 (2) "Peace officer" has the meaning assigned by  
11 Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

12 SECTION 2.075. Section 75.404(g), Government Code, is  
13 amended to read as follows:

14 (g) The justices of the peace in Harris County may adopt  
15 local rules:

16 (1) that are consistent with Chapter 45A [~~45~~], Code of  
17 Criminal Procedure, and Part V, Texas Rules of Civil Procedure, for  
18 practice and procedure in the justice courts of Harris County; and

19 (2) for practice and procedure in the small claims  
20 courts of Harris County.

21 SECTION 2.076. Section 124.001(b), Government Code, is  
22 amended to read as follows:

23 (b) If a defendant who was arrested for or charged with, but  
24 not convicted of or placed on deferred adjudication community  
25 supervision for, an offense successfully completes a veterans  
26 treatment court program, after notice to the attorney representing  
27 the state and a hearing in the veterans treatment court at which

1 that court determines that a dismissal is in the best interest of  
2 justice, the veterans treatment court shall provide to the court in  
3 which the criminal case is pending information about the dismissal  
4 and shall include all of the information required about the  
5 defendant for a petition for expunction under Article 55A.253  
6 [~~Section 2(b), Article 55.02~~], Code of Criminal Procedure. The  
7 court in which the criminal case is pending shall dismiss the case  
8 against the defendant and:

9 (1) if that trial court is a district court, the court  
10 may, with the consent of the attorney representing the state, enter  
11 an order of expunction on behalf of the defendant under Article  
12 55A.203(a) [~~Section 1a(a-1), Article 55.02~~], Code of Criminal  
13 Procedure; or

14 (2) if that trial court is not a district court, the  
15 court may, with the consent of the attorney representing the state,  
16 forward the appropriate dismissal and expunction information to  
17 enable a district court with jurisdiction to enter an order of  
18 expunction on behalf of the defendant under Article 55A.203(a)  
19 [~~Section 1a(a-1), Article 55.02~~], Code of Criminal Procedure.

20 SECTION 2.077. Section 125.001(b), Government Code, is  
21 amended to read as follows:

22 (b) If a defendant successfully completes a mental health  
23 court program, after notice to the attorney representing the state  
24 and a hearing in the mental health court at which that court  
25 determines that a dismissal is in the best interest of justice, the  
26 mental health court shall provide to the court in which the criminal  
27 case is pending information about the dismissal and shall include

1 all of the information required about the defendant for a petition  
2 for expunction under Article 55A.253 [~~Section 2(b), Article 55.02~~],  
3 Code of Criminal Procedure. The court in which the criminal case is  
4 pending shall dismiss the case against the defendant and:

5 (1) if that trial court is a district court, the court  
6 may, with the consent of the attorney representing the state, enter  
7 an order of expunction on behalf of the defendant under Article  
8 55A.203(b) [~~Section 1a(a-2), Article 55.02~~], Code of Criminal  
9 Procedure; or

10 (2) if that trial court is not a district court, the  
11 court may, with the consent of the attorney representing the state,  
12 forward the appropriate dismissal and expunction information to  
13 enable a district court with jurisdiction to enter an order of  
14 expunction on behalf of the defendant under Article 55A.203(b)  
15 [~~Section 1a(a-2), Article 55.02~~], Code of Criminal Procedure.

16 SECTION 2.078. Section 125.003(b), Government Code, is  
17 amended to read as follows:

18 (b) The issues shall be handled by a magistrate, as  
19 designated by Article 2A.151 [~~2.09~~], Code of Criminal Procedure,  
20 who is part of a mental health court program established under  
21 Section 125.002.

22 SECTION 2.079. Section 402.0241(b), Government Code, is  
23 amended to read as follows:

24 (b) The attorney general shall defend a local entity in any  
25 action in any court if:

26 (1) the executive head or governing body, as  
27 applicable, of the local entity requests the attorney general's



1 assistance in the defense; and

2 (2) the attorney general determines that the cause of  
3 action arises out of a claim involving the local entity's  
4 good-faith compliance with an immigration detainer request  
5 required by Article 2A.060 [~~2.251~~], Code of Criminal Procedure.

6 SECTION 2.080. Section 402.028(c), Government Code, is  
7 amended to read as follows:

8 (c) Nothing in this section shall prohibit an assistant  
9 attorney general from appointment as attorney pro tem under the  
10 provisions of Article 2A.104 [~~2.07~~], Code of Criminal Procedure.

11 SECTION 2.081. Section 406.014(d), Government Code, is  
12 amended to read as follows:

13 (d) A notary public who administers an oath pursuant to  
14 Article 45A.101 [~~45.019~~], Code of Criminal Procedure, is exempt  
15 from the requirement in Subsection (a) of this section of recording  
16 that oath.

17 SECTION 2.082. Section 411.0207(b), Government Code, is  
18 amended to read as follows:

19 (b) A public corruption unit is created within the  
20 department to investigate and assist in the management of  
21 allegations of participation in organized criminal activity by:

22 (1) an individual elected, appointed, or employed to  
23 serve as a peace officer for a governmental entity of this state  
24 under Article 2A.001 [~~2.12~~], Code of Criminal Procedure; or

25 (2) a federal law enforcement officer while performing  
26 duties in this state.

27 SECTION 2.083. Section 411.0208(a), Government Code, is

1 amended to read as follows:

2 (a) The commission may provide for the establishment of a  
3 reserve officer corps consisting of retired or previously  
4 commissioned peace officers, as defined by Article 2A.001 [~~2.12~~],  
5 Code of Criminal Procedure, who retired or resigned in good  
6 standing.

7 SECTION 2.084. Section 411.0253(d), Government Code, is  
8 amended to read as follows:

9 (d) If an initial investigation by the public integrity unit  
10 demonstrates a reasonable suspicion that an offense against public  
11 administration occurred, the matter shall be referred to the  
12 prosecuting attorney of the county in which venue is proper under  
13 Section 411.0256 of this code or Chapter 13A [~~13~~], Code of Criminal  
14 Procedure, as applicable.

15 SECTION 2.085. Section 411.0255(b-2), Government Code, is  
16 amended to read as follows:

17 (b-2) The public integrity unit shall inform the judge of  
18 the court with jurisdiction over a complaint if the prosecuting  
19 attorney is disqualified for purposes of Article 2A.104 [~~2.07~~],  
20 Code of Criminal Procedure, because the prosecuting attorney is the  
21 subject of a criminal investigation under this subchapter based on  
22 credible evidence of criminal misconduct. On showing that the  
23 prosecuting attorney is the subject of the investigation, the judge  
24 shall order the prosecuting attorney disqualified under Article  
25 2A.105 [~~2.08~~], Code of Criminal Procedure.

26 SECTION 2.086. Section 411.0256, Government Code, is  
27 amended to read as follows:

1           Sec. 411.0256. VENUE. Notwithstanding Chapter 13A [~~13~~],  
2 Code of Criminal Procedure, or other law, if the defendant is a  
3 natural person, venue for prosecution of an offense against public  
4 administration and lesser included offenses arising from the same  
5 transaction is the county in which the defendant resided at the time  
6 the offense was committed.

7           SECTION 2.087. Section 411.0835, Government Code, is  
8 amended to read as follows:

9           Sec. 411.0835. PROHIBITION AGAINST DISSEMINATION TO  
10 CERTAIN PRIVATE ENTITIES. If the department receives information  
11 indicating that a private entity that purchases criminal history  
12 record information from the department has been found by a court to  
13 have committed three or more violations of Section 552.1425 by  
14 compiling or disseminating information with respect to which an  
15 order of expunction has been issued under Subchapter E or F, Chapter  
16 55A [~~Article 55.02~~], Code of Criminal Procedure, or an order of  
17 nondisclosure of criminal history record information has been  
18 issued under Subchapter E-1 of this chapter, the department may not  
19 release any criminal history record information to that entity  
20 until the first anniversary of the date of the most recent  
21 violation.

22           SECTION 2.088. Section 411.0851(a), Government Code, is  
23 amended to read as follows:

24           (a) A private entity that compiles and disseminates for  
25 compensation criminal history record information shall destroy and  
26 may not disseminate any information in the possession of the entity  
27 with respect to which the entity has received notice that:

1 (1) an order of expunction has been issued under  
2 Subchapter E or F, Chapter 55A [Article 55.02], Code of Criminal  
3 Procedure; or

4 (2) an order of nondisclosure of criminal history  
5 record information has been issued under Subchapter E-1 of this  
6 chapter.

7 SECTION 2.089. Sections 411.151(a) and (b), Government  
8 Code, are amended to read as follows:

9 (a) The director shall expunge a DNA record of an individual  
10 from a DNA database if the person:

11 (1) notifies the director in writing that the DNA  
12 record has been ordered to be expunged under this section or Chapter  
13 55A [55], Code of Criminal Procedure, and provides the director  
14 with a certified copy of the court order that expunges the DNA  
15 record; or

16 (2) provides the director with a certified copy of a  
17 court order issued under Subchapter C-1, Chapter 58, Family Code,  
18 that seals the juvenile record of the adjudication that resulted in  
19 the DNA record.

20 (b) A person may obtain [~~petition for~~] the expunction of a  
21 DNA record under the procedures established under Subchapter E or  
22 F, Chapter 55A [Article 55.02], Code of Criminal Procedure, as  
23 applicable, if the person is entitled to the expunction of records  
24 relating to the offense to which the DNA record is related under  
25 Subchapter A, B, or C, Chapter 55A [Article 55.01], Code of Criminal  
26 Procedure.

27 SECTION 2.090. Section 411.199(a), Government Code, is

1 amended to read as follows:

2 (a) The following peace officers may apply for a license  
3 issued under this subchapter at any time after retirement:

4 (1) a person who is licensed as a peace officer under  
5 Chapter 1701, Occupations Code, and who has been employed full-time  
6 as a peace officer by a law enforcement agency;

7 (2) a railroad peace officer appointed by the director  
8 under Article 2A.005 [~~2.121~~], Code of Criminal Procedure, who holds  
9 a certificate of authority issued by the director under that  
10 article and a peace officer license issued by the Texas Commission  
11 on Law Enforcement; or

12 (3) a special ranger of the Texas and Southwestern  
13 Cattle Raisers Association appointed by the director under Article  
14 2A.006 [~~2.125~~], Code of Criminal Procedure, who holds a certificate  
15 of authority issued by the director under that article and a peace  
16 officer license issued by the Texas Commission on Law Enforcement.

17 SECTION 2.091. Section 411.1991(a), Government Code, is  
18 amended to read as follows:

19 (a) A person may apply for a license issued under this  
20 subchapter if the person is:

21 (1) licensed as a peace officer under Chapter 1701,  
22 Occupations Code, and employed as a peace officer by a law  
23 enforcement agency;

24 (2) a railroad peace officer appointed by the director  
25 under Article 2A.005 [~~2.121~~], Code of Criminal Procedure, who holds  
26 a certificate of authority issued by the director under that  
27 article and a peace officer license issued by the Texas Commission

1 on Law Enforcement;

2 (3) a special ranger of the Texas and Southwestern  
3 Cattle Raisers Association appointed by the director under Article  
4 2A.006 [~~2.125~~], Code of Criminal Procedure, who holds a certificate  
5 of authority issued by the director under that article and a peace  
6 officer license issued by the Texas Commission on Law Enforcement;  
7 or

8 (4) a member of the Texas military forces, excluding  
9 Texas State Guard members who are serving in the Texas Legislature.

10 SECTION 2.092. Section 411.254(b), Government Code, is  
11 amended to read as follows:

12 (b) The inspector general is not required to be a peace  
13 officer as [~~that term is~~] defined by Article 2A.001 [~~2.12~~], Code of  
14 Criminal Procedure. The commission or director may commission the  
15 inspector general as a commissioned peace officer of the department  
16 if the inspector general holds a permanent peace officer license  
17 issued under Chapter 1701, Occupations Code.

18 SECTION 2.093. Section 411.441(3), Government Code, is  
19 amended to read as follows:

20 (3) "Law enforcement officer" means a person who is a  
21 peace officer under Article 2A.001 [~~2.12~~], Code of Criminal  
22 Procedure, or a person who is a federal law enforcement officer, as  
23 defined by 5 U.S.C. Section 8331(20).

24 SECTION 2.094. Section 466.3011, Government Code, is  
25 amended to read as follows:

26 Sec. 466.3011. VENUE. Venue is proper in Travis County or  
27 any county in which venue is proper under Chapter 13A [~~13~~], Code of

1 Criminal Procedure, for:

2 (1) an offense under this chapter;

3 (2) an offense under the Penal Code, if the accused:

4 (A) is a lottery operator, lottery vendor, sales  
5 agent, or employee of the division; and

6 (B) is alleged to have committed the offense  
7 while engaged in lottery activities; or

8 (3) an offense that involves property consisting of or  
9 including lottery tickets under Title 7 or 11, Penal Code.

10 SECTION 2.095. Section 493.0251(b), Government Code, is  
11 amended to read as follows:

12 (b) If the department receives a notification under Article  
13 2A.110 [~~2.023~~], Code of Criminal Procedure, regarding the  
14 indictment of a defendant described by that article, the department  
15 shall, to the extent requested under Subsection (c), make a  
16 reasonable effort to provide notice of the offense charged in the  
17 indictment to each victim, guardian of a victim, or close relative  
18 of a deceased victim of an offense described by Article 2A.110(a)  
19 [~~2.023(a)~~], Code of Criminal Procedure, for which the defendant was  
20 previously imprisoned at a facility operated by or under contract  
21 with the department and subsequently released.

22 SECTION 2.096. Section 531.1022(c), Government Code, is  
23 amended to read as follows:

24 (c) A peace officer employed and commissioned by the office  
25 under this section is a peace officer for purposes of Article 2A.001  
26 [~~2.12~~], Code of Criminal Procedure.

27 SECTION 2.097. Section 552.117(a), Government Code, is

1 amended to read as follows:

2 (a) Information is excepted from the requirements of  
3 Section 552.021 if it is information that relates to the home  
4 address, home telephone number, emergency contact information, or  
5 social security number of the following person or that reveals  
6 whether the person has family members:

7 (1) a current or former official or employee of a  
8 governmental body, except as otherwise provided by Section 552.024;

9 (2) a current or honorably retired peace officer as  
10 defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or a  
11 current or honorably retired security officer commissioned under  
12 Section 51.212, Education Code, regardless of whether the officer  
13 complies with Section 552.024 or 552.1175, as applicable;

14 (3) a current or former employee of the Texas  
15 Department of Criminal Justice or of the predecessor in function of  
16 the department or any division of the department, regardless of  
17 whether the current or former employee complies with Section  
18 552.1175;

19 (4) a peace officer as defined by Article 2A.001  
20 [~~2.12~~], Code of Criminal Procedure, or other law, a reserve law  
21 enforcement officer, a commissioned deputy game warden, or a  
22 corrections officer in a municipal, county, or state penal  
23 institution in this state who was killed in the line of duty,  
24 regardless of whether the deceased complied with Section 552.024 or  
25 552.1175;

26 (5) a commissioned security officer as defined by  
27 Section 1702.002, Occupations Code, regardless of whether the



1 officer complies with Section 552.024 or 552.1175, as applicable;

2 (6) an officer or employee of a community supervision  
3 and corrections department established under Chapter 76 who  
4 performs a duty described by Section 76.004(b), regardless of  
5 whether the officer or employee complies with Section 552.024 or  
6 552.1175;

7 (7) a current or former employee of the office of the  
8 attorney general who is or was assigned to a division of that office  
9 the duties of which involve law enforcement, regardless of whether  
10 the current or former employee complies with Section 552.024 or  
11 552.1175;

12 (8) a current or former employee of the Texas Juvenile  
13 Justice Department or of the predecessors in function of the  
14 department, regardless of whether the current or former employee  
15 complies with Section 552.024 or 552.1175;

16 (9) a current or former juvenile probation or  
17 supervision officer certified by the Texas Juvenile Justice  
18 Department, or the predecessors in function of the department,  
19 under Title 12, Human Resources Code, regardless of whether the  
20 current or former officer complies with Section 552.024 or  
21 552.1175;

22 (10) a current or former employee of a juvenile  
23 justice program or facility, as those terms are defined by Section  
24 261.405, Family Code, regardless of whether the current or former  
25 employee complies with Section 552.024 or 552.1175;

26 (11) a current or former member of the United States  
27 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary

1 service of one of those branches of the armed forces, or the Texas  
2 military forces, as that term is defined by Section 437.001;

3 (12) a current or former district attorney, criminal  
4 district attorney, or county or municipal attorney whose  
5 jurisdiction includes any criminal law or child protective services  
6 matters, regardless of whether the current or former attorney  
7 complies with Section 552.024 or 552.1175;

8 (13) a current or former employee of a district  
9 attorney, criminal district attorney, or county or municipal  
10 attorney whose jurisdiction includes any criminal law or child  
11 protective services matters, regardless of whether the current or  
12 former employee complies with Section 552.024 or 552.1175;

13 (14) a current or former employee of the Texas Civil  
14 Commitment Office or of the predecessor in function of the office or  
15 a division of the office, regardless of whether the current or  
16 former employee complies with Section 552.024 or 552.1175;

17 (15) a current or former federal judge or state judge,  
18 as those terms are defined by Section 1.005, Election Code, a  
19 federal bankruptcy judge, a marshal of the United States Marshals  
20 Service, a United States attorney, or a family member of a current  
21 or former federal judge, including a federal bankruptcy judge, a  
22 marshal of the United States Marshals Service, a United States  
23 attorney, or a state judge;

24 (16) a current or former child protective services  
25 caseworker, adult protective services caseworker, or investigator  
26 for the Department of Family and Protective Services, regardless of  
27 whether the caseworker or investigator complies with Section

1 552.024 or 552.1175, or a current or former employee of a department  
2 contractor performing child protective services caseworker, adult  
3 protective services caseworker, or investigator functions for the  
4 contractor on behalf of the department;

5 (17) an elected public officer, regardless of whether  
6 the officer complies with Section 552.024 or 552.1175;

7 (18) a current or former United States attorney,  
8 assistant United States attorney, federal public defender, deputy  
9 federal public defender, or assistant federal public defender and  
10 the spouse or child of the current or former attorney or public  
11 defender, regardless of whether the person complies with Section  
12 552.024 or 552.1175; or

13 (19) a firefighter or volunteer firefighter or  
14 emergency medical services personnel as defined by Section 773.003,  
15 Health and Safety Code, regardless of whether the firefighter or  
16 volunteer firefighter or emergency medical services personnel  
17 comply with Section 552.024 or 552.1175, as applicable.

18 SECTION 2.098. Section 552.1175(a), Government Code, is  
19 amended to read as follows:

20 (a) This section applies only to:

21 (1) current or honorably retired peace officers as  
22 defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or  
23 special investigators as described by Article 2A.002 [~~2.122~~], Code  
24 of Criminal Procedure;

25 (2) current or honorably retired county jailers as  
26 defined by Section 1701.001, Occupations Code;

27 (3) current or former employees of the Texas

1 Department of Criminal Justice or of the predecessor in function of  
2 the department or any division of the department;

3 (4) commissioned security officers as defined by  
4 Section 1702.002, Occupations Code;

5 (5) a current or former district attorney, criminal  
6 district attorney, or county or municipal attorney whose  
7 jurisdiction includes any criminal law or child protective services  
8 matters;

9 (5-a) a current or former employee of a district  
10 attorney, criminal district attorney, or county or municipal  
11 attorney whose jurisdiction includes any criminal law or child  
12 protective services matters;

13 (6) officers and employees of a community supervision  
14 and corrections department established under Chapter 76 who perform  
15 a duty described by Section 76.004(b);

16 (7) criminal investigators of the United States as  
17 described by Article 2A.002(a) [~~2.122(a)~~], Code of Criminal  
18 Procedure;

19 (8) current or honorably retired police officers and  
20 inspectors of the United States Federal Protective Service;

21 (9) current and former employees of the office of the  
22 attorney general who are or were assigned to a division of that  
23 office the duties of which involve law enforcement;

24 (10) current or former juvenile probation and  
25 detention officers certified by the Texas Juvenile Justice  
26 Department, or the predecessors in function of the department,  
27 under Title 12, Human Resources Code;

1           (11) current or former employees of a juvenile justice  
2 program or facility, as those terms are defined by Section 261.405,  
3 Family Code;

4           (12) current or former employees of the Texas Juvenile  
5 Justice Department or the predecessors in function of the  
6 department;

7           (13) federal judges and state judges as defined by  
8 Section 1.005, Election Code;

9           (14) current or former employees of the Texas Civil  
10 Commitment Office or of the predecessor in function of the office or  
11 a division of the office;

12           (15) a current or former member of the United States  
13 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary  
14 service of one of those branches of the armed forces, or the Texas  
15 military forces, as that term is defined by Section 437.001;

16           (16) a current or former child protective services  
17 caseworker, adult protective services caseworker, or investigator  
18 for the Department of Family and Protective Services or a current or  
19 former employee of a department contractor performing child  
20 protective services caseworker, adult protective services  
21 caseworker, or investigator functions for the contractor on behalf  
22 of the department;

23           (17) an elected public officer;

24           (18) a firefighter or volunteer firefighter or  
25 emergency medical services personnel as defined by Section 773.003,  
26 Health and Safety Code; and

27           (19) a current or former United States attorney,

1 assistant United States attorney, federal public defender, deputy  
2 federal public defender, or assistant federal public defender.

3 SECTION 2.099. Section 552.119(a), Government Code, is  
4 amended to read as follows:

5 (a) A photograph that depicts a peace officer as defined by  
6 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, the release of  
7 which would endanger the life or physical safety of the officer, is  
8 excepted from the requirements of Section 552.021 unless:

9 (1) the officer is under indictment or charged with an  
10 offense by information;

11 (2) the officer is a party in a civil service hearing  
12 or a case in arbitration; or

13 (3) the photograph is introduced as evidence in a  
14 judicial proceeding.

15 SECTION 2.100. Section 552.1425(a), Government Code, is  
16 amended to read as follows:

17 (a) A private entity that compiles and disseminates for  
18 compensation criminal history record information may not compile or  
19 disseminate information with respect to which the entity has  
20 received notice that:

21 (1) an order of expunction has been issued under  
22 Subchapter E or F, Chapter 55A [~~Article 55.02~~], Code of Criminal  
23 Procedure; or

24 (2) an order of nondisclosure of criminal history  
25 record information has been issued under Subchapter E-1, Chapter  
26 411.

27 SECTION 2.101. Section 574.004, Government Code, is amended

1 to read as follows:

2           Sec. 574.004. ASSISTANCE BY ATTORNEY GENERAL. This chapter  
3 does not prevent the attorney general from providing assistance to  
4 district attorneys, criminal district attorneys, and county  
5 attorneys on request by allowing assistant attorneys general to  
6 serve as duly appointed and deputized assistant prosecutors, nor  
7 does this chapter prohibit the appointment of an assistant attorney  
8 general as an attorney pro tem pursuant to Article 2A.104 [~~2.07~~],  
9 Code of Criminal Procedure.

10           SECTION 2.102. Section 602.002, Government Code, is amended  
11 to read as follows:

12           Sec. 602.002. OATH MADE IN TEXAS. An oath made in this  
13 state may be administered and a certificate of the fact given by:

14                   (1) a judge, retired judge, or clerk of a municipal  
15 court;

16                   (2) a judge, retired judge, senior judge, clerk, or  
17 commissioner of a court of record;

18                   (3) a justice of the peace or a clerk of a justice  
19 court;

20                   (4) an associate judge, magistrate, master, referee,  
21 or criminal law hearing officer;

22                   (5) a notary public;

23                   (6) a member of a board or commission created by a law  
24 of this state, in a matter pertaining to a duty of the board or  
25 commission;

26                   (7) a person employed by the Texas Ethics Commission  
27 who has a duty related to a report required by Title 15, Election

1 Code, in a matter pertaining to that duty;

2 (8) a county tax assessor-collector or an employee of  
3 the county tax assessor-collector if the oath relates to a document  
4 that is required or authorized to be filed in the office of the  
5 county tax assessor-collector;

6 (9) the secretary of state or a former secretary of  
7 state;

8 (10) an employee of a personal bond office, or an  
9 employee of a county, who is employed to obtain information  
10 required to be obtained under oath if the oath is required or  
11 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of  
12 Criminal Procedure;

13 (11) the lieutenant governor or a former lieutenant  
14 governor;

15 (12) the speaker of the house of representatives or a  
16 former speaker of the house of representatives;

17 (13) the governor or a former governor;

18 (14) a legislator or retired legislator;

19 (14-a) the secretary of the senate or the chief clerk  
20 of the house of representatives;

21 (15) the attorney general or a former attorney  
22 general;

23 (16) the secretary or clerk of a municipality in a  
24 matter pertaining to the official business of the municipality;

25 (17) a peace officer described by Article 2A.001  
26 [~~2-12~~], Code of Criminal Procedure, if:

27 (A) the oath is administered when the officer is



1 engaged in the performance of the officer's duties; and

2 (B) the administration of the oath relates to the  
3 officer's duties; or

4 (18) a county treasurer.

5 SECTION 2.103. Section 607.051(4), Government Code, is  
6 amended to read as follows:

7 (4) "Peace officer" means an individual elected,  
8 appointed, or employed to serve as a peace officer for a  
9 governmental entity under Article 2A.001 [~~2.12~~], Code of Criminal  
10 Procedure, or other law.

11 SECTION 2.104. Section 612.005(a), Government Code, is  
12 amended to read as follows:

13 (a) In this section, "law enforcement officer" means a peace  
14 officer as defined by Article 2A.001 [~~2.12~~], Code of Criminal  
15 Procedure, or other law.

16 SECTION 2.105. Section 614.001(3), Government Code, is  
17 amended to read as follows:

18 (3) "Peace officer" means an individual elected,  
19 appointed, or employed to serve as a peace officer for a  
20 governmental entity under Article 2A.001 [~~2.12~~], Code of Criminal  
21 Procedure, or other law.

22 SECTION 2.106. Section 614.021(a), Government Code, is  
23 amended to read as follows:

24 (a) Except as provided by Subsection (b), this subchapter  
25 applies only to a complaint against:

26 (1) a law enforcement officer of the State of Texas,  
27 including an officer of the Department of Public Safety or of the

1 Texas Alcoholic Beverage Commission;

2 (2) a fire fighter who is employed by this state or a  
3 political subdivision of this state;

4 (3) a peace officer under Article 2A.001 [~~2.12~~], Code  
5 of Criminal Procedure, or other law who is appointed or employed by  
6 a political subdivision of this state; or

7 (4) a detention officer or county jailer who is  
8 appointed or employed by a political subdivision of this state.

9 SECTION 2.107. Section 614.061, Government Code, is amended  
10 to read as follows:

11 Sec. 614.061. DEFINITION. In this subchapter, "peace  
12 officer" means a person who:

13 (1) is elected, appointed, or employed by a  
14 governmental entity; and

15 (2) is a peace officer under Article 2A.001 [~~2.12~~],  
16 Code of Criminal Procedure, or other law.

17 SECTION 2.108. Sections 614.121(1), (2), and (3),  
18 Government Code, are amended to read as follows:

19 (1) "Full-time peace officer" means a person elected,  
20 employed, or appointed as a peace officer under Article 2A.001  
21 [~~2.12~~], Code of Criminal Procedure, or other law, who:

22 (A) works as a peace officer on average at least  
23 32 hours per week, exclusive of paid vacation; and

24 (B) is compensated by this state or a political  
25 subdivision of this state at least at the federal minimum wage and  
26 is entitled to all employee benefits offered to a peace officer by  
27 the state or political subdivision.

1           (2) "Honorably retired peace officer" means a former  
2 peace officer who:

3           (A) previously served but is not currently  
4 serving as an elected, appointed, or employed peace officer under  
5 Article 2A.001 [~~2-12~~], Code of Criminal Procedure, or other law;

6           (B) did not retire in lieu of any disciplinary  
7 action;

8           (C) was eligible to retire from a law enforcement  
9 agency in this state or was ineligible to retire only as a result of  
10 an injury received in the course of the officer's employment with  
11 the agency; and

12           (D) is eligible to receive a pension or annuity  
13 for service as a law enforcement officer in this state or is  
14 ineligible to receive a pension or annuity only because the law  
15 enforcement agency that employed the officer does not offer a  
16 pension or annuity to its employees.

17           (3) "Part-time peace officer" means a person elected,  
18 employed, or appointed as a peace officer under Article 2A.001  
19 [~~2-12~~], Code of Criminal Procedure, or other law, who:

20           (A) works as a peace officer on average less than  
21 32 hours per week, exclusive of paid vacation; and

22           (B) is compensated by this state or a political  
23 subdivision of this state at least at the federal minimum wage and  
24 is entitled to all employee benefits offered to a peace officer by  
25 the state or political subdivision.

26           SECTION 2.109. Section 615.003, Government Code, is amended  
27 to read as follows:

1           Sec. 615.003. APPLICABILITY. This chapter applies only to  
2 eligible survivors of the following individuals:

3           (1) an individual:

4           (A) elected, appointed, or employed as a peace  
5 officer by the state or a political subdivision of the state under  
6 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law; or

7           (B) employed as a peace officer by a private  
8 institution of higher education, including a private junior  
9 college, that is located in this state under Section 51.212,  
10 Education Code;

11          (2) a paid probation officer appointed by the director  
12 of a community supervision and corrections department who has the  
13 duties set out in Section 76.002 and the qualifications set out in  
14 Section 76.005, or who was appointed in accordance with prior law;

15          (3) a parole officer employed by the Texas Department  
16 of Criminal Justice who has the duties set out in Section 508.001  
17 and the qualifications set out in Section 508.113 or in prior law;

18          (4) a paid jailer;

19          (5) a member of an organized police reserve or  
20 auxiliary unit who regularly assists peace officers in enforcing  
21 criminal laws;

22          (6) a member of the class of employees of the  
23 correctional institutions division formally designated as  
24 custodial personnel under Section 615.006 by the Texas Board of  
25 Criminal Justice or its predecessor in function;

26          (7) a jailer or guard of a county jail who is appointed  
27 by the sheriff and who:

1 (A) performs a security, custodial, or  
2 supervisory function over the admittance, confinement, or  
3 discharge of prisoners; and

4 (B) is certified by the Texas Commission on Law  
5 Enforcement;

6 (8) a juvenile correctional employee of the Texas  
7 Juvenile Justice Department;

8 (9) an employee of the Department of Aging and  
9 Disability Services or Department of State Health Services who:

10 (A) works at the department's maximum security  
11 unit; or

12 (B) performs on-site services for the Texas  
13 Department of Criminal Justice;

14 (10) an individual who is employed by the state or a  
15 political or legal subdivision and is subject to certification by  
16 the Texas Commission on Fire Protection;

17 (11) an individual employed by the state or a  
18 political or legal subdivision whose principal duties are aircraft  
19 crash and rescue fire fighting;

20 (12) a member of an organized volunteer fire-fighting  
21 unit that:

22 (A) renders fire-fighting services without  
23 remuneration; and

24 (B) conducts a minimum of two drills each month,  
25 each two hours long;

26 (13) an individual who:

27 (A) performs emergency medical services or

1 operates an ambulance;

2 (B) is employed by a political subdivision of the  
3 state or is an emergency medical services volunteer as defined by  
4 Section 773.003, Health and Safety Code; and

5 (C) is qualified as an emergency care attendant  
6 or at a higher level of training under Section 773.046, 773.047,  
7 773.048, 773.049, or 773.0495, Health and Safety Code;

8 (14) an individual who is employed or formally  
9 designated as a chaplain for:

10 (A) an organized volunteer fire-fighting unit or  
11 other fire department of this state or of a political subdivision of  
12 this state;

13 (B) a law enforcement agency of this state or of a  
14 political subdivision of this state; or

15 (C) the Texas Department of Criminal Justice;

16 (15) an individual who is employed by the state or a  
17 political subdivision of the state and who is considered by the  
18 governmental employer to be a trainee for a position otherwise  
19 described by this section;

20 (16) an individual who is employed by the Department  
21 of Public Safety and, as certified by the director, is:

22 (A) deployed into the field in direct support of  
23 a law enforcement operation, including patrol, investigative,  
24 search and rescue, crime scene, on-site communications, or special  
25 operations; and

26 (B) given a special assignment in direct support  
27 of operations relating to organized crime, criminal interdiction,

1 border security, counterterrorism, intelligence, traffic  
2 enforcement, emergency management, regulatory services, or special  
3 investigations; or

4 (17) an individual who is employed by the Parks and  
5 Wildlife Department and, as certified by the executive director of  
6 the Parks and Wildlife Department, is:

7 (A) deployed into the field in direct support of  
8 a law enforcement operation, including patrol, investigative,  
9 search and rescue, crime scene, on-site communications, or special  
10 operations; and

11 (B) given a special assignment in direct support  
12 of operations relating to organized crime, criminal interdiction,  
13 border security, counterterrorism, intelligence, traffic  
14 enforcement, emergency management, regulatory services, or special  
15 investigations.

16 SECTION 2.110. Section 615.102(a), Government Code, is  
17 amended to read as follows:

18 (a) This section applies only to:

19 (1) an individual listed in Section 615.003(1) who is  
20 employed by a political subdivision of the state;

21 (2) a peace officer under Article 2A.001 [~~2.12~~], Code  
22 of Criminal Procedure, or other law who is employed by the state,  
23 including any state agency or any institution of higher education  
24 under Section 61.003, Education Code; or

25 (3) an individual listed in Section 615.003(7).

26 SECTION 2.111. Section 615.103(a), Government Code, is  
27 amended to read as follows:

1 (a) This section applies only to:

2 (1) an individual listed in Section 615.003(1) who is  
3 employed by a political subdivision of the state;

4 (2) a peace officer under Article 2A.001 [~~2.12~~], Code  
5 of Criminal Procedure, or other law who is employed by the state,  
6 including any state agency or any institution of higher education  
7 under Section 61.003, Education Code;

8 (3) an individual listed in Section 615.003(7); or

9 (4) an individual listed in Section 615.003(10) or  
10 (11) who is employed by a political subdivision of the state.

11 SECTION 2.112. Section 615.105(a), Government Code, is  
12 amended to read as follows:

13 (a) This section applies only to:

14 (1) an individual elected, appointed, or employed as a  
15 peace officer by the state or a political subdivision of the state  
16 under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or other  
17 law; or

18 (2) an honorably retired peace officer who formerly  
19 held a position described by Subdivision (1) and voluntarily  
20 terminated employment with a law enforcement agency of this state  
21 or a political subdivision of this state.

22 SECTION 2.113. Section 661.918(a), Government Code, is  
23 amended to read as follows:

24 (a) This section applies to a peace officer under Article  
25 2A.001 [~~2.12~~], Code of Criminal Procedure, who is commissioned as a  
26 law enforcement officer or agent, including a ranger, by:

27 (1) the Public Safety Commission and the director of



1 the Department of Public Safety;

2 (2) the Parks and Wildlife Commission;

3 (3) the Texas Alcoholic Beverage Commission;

4 (4) the attorney general; or

5 (5) the insurance fraud unit of the Texas Department  
6 of Insurance.

7 SECTION 2.114. Section 662.005(b), Government Code, is  
8 amended to read as follows:

9 (b) Except as provided by Section 662.010, and  
10 notwithstanding Section 659.015 or another law, a state employee  
11 who is a peace officer commissioned by a state officer or state  
12 agency listed under Article 2A.001 [~~2.12~~], Code of Criminal  
13 Procedure, or who is employed by the Department of Public Safety  
14 either to perform communications or dispatch services related to  
15 traffic law enforcement or as a public security officer, as that  
16 term is defined by Section 1701.001, Occupations Code, or who is  
17 employed by the Parks and Wildlife Department to perform  
18 communications and dispatch services to assist law enforcement  
19 officers commissioned by the Parks and Wildlife Commission in  
20 performing law enforcement duties, and who is required to work on a  
21 national or state holiday that falls on a Saturday or Sunday is  
22 entitled to compensatory time off at the rate of one hour for each  
23 hour worked on the holiday.

24 SECTION 2.115. Sections 752.053(a) and (b), Government  
25 Code, are amended to read as follows:

26 (a) A local entity or campus police department may not:

27 (1) adopt, enforce, or endorse a policy under which

1 the entity or department prohibits or materially limits the  
2 enforcement of immigration laws;

3 (2) as demonstrated by pattern or practice, prohibit  
4 or materially limit the enforcement of immigration laws; or

5 (3) for an entity that is a law enforcement agency or  
6 for a department, as demonstrated by pattern or practice,  
7 intentionally violate Article 2A.060 [~~2-251~~], Code of Criminal  
8 Procedure.

9 (b) In compliance with Subsection (a), a local entity or  
10 campus police department may not prohibit or materially limit a  
11 person who is a commissioned peace officer described by Article  
12 2A.001 [~~2-12~~], Code of Criminal Procedure, a corrections officer, a  
13 booking clerk, a magistrate, or a district attorney, criminal  
14 district attorney, or other prosecuting attorney and who is  
15 employed by or otherwise under the direction or control of the  
16 entity or department from doing any of the following:

17 (1) inquiring into the immigration status of a person  
18 under a lawful detention or under arrest;

19 (2) with respect to information relating to the  
20 immigration status, lawful or unlawful, of any person under a  
21 lawful detention or under arrest, including information regarding  
22 the person's place of birth:

23 (A) sending the information to or requesting or  
24 receiving the information from United States Citizenship and  
25 Immigration Services, United States Immigration and Customs  
26 Enforcement, or another relevant federal agency;

27 (B) maintaining the information; or

1 (C) exchanging the information with another  
2 local entity or campus police department or a federal or state  
3 governmental entity;

4 (3) assisting or cooperating with a federal  
5 immigration officer as reasonable or necessary, including  
6 providing enforcement assistance; or

7 (4) permitting a federal immigration officer to enter  
8 and conduct enforcement activities at a jail to enforce federal  
9 immigration laws.

10 SECTION 2.116. Section 752.057(a), Government Code, is  
11 amended to read as follows:

12 (a) Each law enforcement agency that is subject to the  
13 requirements of this subchapter may adopt a written policy  
14 requiring the agency to perform community outreach activities to  
15 educate the public that a peace officer may not inquire into the  
16 immigration status of a victim of or witness to an alleged criminal  
17 offense unless, as provided by Article 2A.059 [~~2.13~~], Code of  
18 Criminal Procedure, the officer determines that the inquiry is  
19 necessary to:

20 (1) investigate the offense; or

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

24 SECTION 2.117. Section 772.0074(a)(4), Government Code, is  
25 amended to read as follows:

26 (4) "Peace officer" has the meaning assigned by  
27 Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

1 SECTION 2.118. Section 2158.009(d), Government Code, is  
2 amended to read as follows:

3 (d) Subsection (b) does not apply to a state agency's  
4 purchase of a vehicle to be used by a peace officer, as defined by  
5 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, whose duties  
6 include the apprehension of persons for violation of a criminal law  
7 of this state.

8 SECTION 2.119. Section 3105.003(a), Government Code, is  
9 amended to read as follows:

10 (a) A person is eligible to have the person's name on the  
11 monument if the person was killed in the line of duty and was:

12 (1) a law enforcement officer or peace officer for  
13 this state or a political subdivision of this state under Article  
14 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law;

15 (2) a federal law enforcement officer or special agent  
16 performing duties in this state, including those officers under  
17 Article 2A.002 [~~2.122~~], Code of Criminal Procedure;

18 (3) a corrections or detention officer or county or  
19 municipal jailer employed or appointed by a municipal, county, or  
20 state penal institution in this state; or

21 (4) employed by this state or a political subdivision  
22 of this state and considered by the person's employer to be a  
23 trainee for a position described by Subdivision (1), (2), or (3).

24 SECTION 2.120. Section 3106.001(3), Government Code, is  
25 amended to read as follows:

26 (3) "Peace officer" means a peace officer commissioned  
27 by the state or a political subdivision of the state under Article

1 2A.001 [~~2.12~~], Code of Criminal Procedure, or other law.

2 SECTION 2.121. Section 81.003(4-b), Health and Safety Code,  
3 is amended to read as follows:

4 (4-b) "Peace officer" has the meaning assigned by  
5 Article 2A.001 [~~2.12~~], Code of Criminal Procedure. The term  
6 includes a sheriff or constable.

7 SECTION 2.122. Section 382.018(g), Health and Safety Code,  
8 is amended to read as follows:

9 (g) Notwithstanding Section 7.002, Water Code, the  
10 provisions of this section and rules adopted under this section may  
11 be enforced by a peace officer as described by Article 2A.001  
12 [~~2.12~~], Code of Criminal Procedure.

13 SECTION 2.123. Section 436.102(b), Health and Safety Code,  
14 is amended to read as follows:

15 (b) A molluscan shellfish plant operator may employ an  
16 off-duty peace officer to monitor the gathering of shellfish for  
17 depuration from a restricted or conditionally restricted area as  
18 provided by the rules adopted under Subsection (a). In this  
19 subsection, "peace officer" includes those persons listed in  
20 Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

21 SECTION 2.124. Section 552.101, Health and Safety Code, is  
22 amended to read as follows:

23 Sec. 552.101. ASSISTING LAW ENFORCEMENT AGENCIES WITH  
24 CERTAIN INVESTIGATIONS. The inspector general shall employ and  
25 commission peace officers for the purpose of assisting a state or  
26 local law enforcement agency in the investigation of an alleged  
27 criminal offense involving a patient of a state hospital. A peace

1 officer employed and commissioned by the inspector general is a  
2 peace officer for purposes of Article 2A.001 [~~2.12~~], Code of  
3 Criminal Procedure.

4 SECTION 2.125. Section 555.101, Health and Safety Code, is  
5 amended to read as follows:

6 Sec. 555.101. ASSISTING LAW ENFORCEMENT AGENCIES WITH  
7 CERTAIN INVESTIGATIONS. The inspector general shall employ and  
8 commission peace officers for the purpose of assisting a state or  
9 local law enforcement agency in the investigation of an alleged  
10 criminal offense involving a resident or client of a center. A  
11 peace officer employed and commissioned by the inspector general is  
12 a peace officer for purposes of Article 2A.001 [~~2.12~~], Code of  
13 Criminal Procedure.

14 SECTION 2.126. Section 821.0211, Health and Safety Code, is  
15 amended to read as follows:

16 Sec. 821.0211. ADDITIONAL DEFINITION. In this subchapter,  
17 "magistrate" means any officer as defined in Article 2A.151 [~~2.09~~],  
18 Code of Criminal Procedure, except that the term does not include  
19 justices of the supreme court, judges of the court of criminal  
20 appeals, or courts of appeals, judges or associate judges of  
21 statutory probate courts, or judges or associate judges of district  
22 courts that give preference to family law matters or family  
23 district courts under Subchapter D, Chapter 24, Government Code.

24 SECTION 2.127. Section 31.045, Human Resources Code, is  
25 amended to read as follows:

26 Sec. 31.045. PEACE OFFICERS. The commission's office of  
27 inspector general may employ and commission peace officers for the

1 purpose of assisting the office in the investigation of fraud,  
2 waste, or abuse in the financial assistance program. A peace  
3 officer employed and commissioned by the office is a peace officer  
4 for purposes of Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

5 SECTION 2.128. Section 33.032, Human Resources Code, is  
6 amended to read as follows:

7 Sec. 33.032. PEACE OFFICERS. The commission's office of  
8 inspector general may employ and commission peace officers for the  
9 purpose of assisting the office in the investigation of fraud,  
10 waste, or abuse in the supplemental nutrition assistance program.  
11 A peace officer employed and commissioned by the office is a peace  
12 officer for purposes of Article 2A.001 [~~2.12~~], Code of Criminal  
13 Procedure.

14 SECTION 2.129. Section 242.102(d), Human Resources Code, is  
15 amended to read as follows:

16 (d) The office of inspector general may employ and  
17 commission inspectors general as peace officers for the purpose of  
18 carrying out the duties described by this section. An inspector  
19 general shall have all of the powers and duties given to peace  
20 officers under Articles 2A.051 and 2A.059 [~~Article 2.13~~], Code of  
21 Criminal Procedure.

22 SECTION 2.130. Section 501.001(5), Labor Code, is amended  
23 to read as follows:

24 (5) "Employee" means a person who is:  
25 (A) in the service of the state pursuant to an  
26 election, appointment, or express oral or written contract of hire;  
27 (B) paid from state funds but whose duties

1 require that the person work and frequently receive supervision in  
2 a political subdivision of the state;

3 (C) a peace officer employed by a political  
4 subdivision, while the peace officer is exercising authority  
5 granted under:

6 (i) Article 2A.001 [~~2.12~~], Code of Criminal  
7 Procedure; or

8 (ii) Articles 14.03(d) and (g), Code of  
9 Criminal Procedure;

10 (D) a member of the state military forces, as  
11 defined by Section 437.001, Government Code, who is engaged in  
12 authorized training or duty;

13 (E) a Texas Task Force 1 member, as defined by  
14 Section 88.301, Education Code, who is activated by the Texas  
15 Division of Emergency Management or is injured during training  
16 sponsored or sanctioned by Texas Task Force 1; or

17 (F) an intrastate fire mutual aid system team  
18 member or a regional incident management team member, as defined by  
19 Section 88.126, Education Code, who is activated by the Texas  
20 Division of Emergency Management or is injured during training  
21 sponsored or sanctioned by the Texas Division of Emergency  
22 Management on behalf of an intrastate fire mutual aid system team or  
23 a regional incident management team, as applicable.

24 SECTION 2.131. Section 504.019(a)(1), Labor Code, is  
25 amended to read as follows:

26 (1) "First responder" means an individual employed by  
27 a political subdivision of this state who is:



1 (A) a peace officer under Article 2A.001 [~~2.12~~],  
2 Code of Criminal Procedure;

3 (B) a person licensed under Chapter 773, Health  
4 and Safety Code, as an emergency care attendant, emergency medical  
5 technician, emergency medical technician-intermediate, emergency  
6 medical technician-paramedic, or licensed paramedic; or

7 (C) a firefighter subject to certification by the  
8 Texas Commission on Fire Protection under Chapter 419, Government  
9 Code, whose principal duties are firefighting and aircraft crash  
10 and rescue.

11 SECTION 2.132. Section 504.055(a), Labor Code, is amended  
12 to read as follows:

13 (a) In this section, "first responder" means:

14 (1) an individual employed by a political subdivision  
15 of this state who is:

16 (A) a peace officer under Article 2A.001 [~~2.12~~],  
17 Code of Criminal Procedure;

18 (B) a person licensed under Chapter 773, Health  
19 and Safety Code, as an emergency care attendant, emergency medical  
20 technician, emergency medical technician-intermediate, emergency  
21 medical technician-paramedic, or licensed paramedic; or

22 (C) a firefighter subject to certification by the  
23 Texas Commission on Fire Protection under Chapter 419, Government  
24 Code, whose principal duties are firefighting and aircraft crash  
25 and rescue; or

26 (2) an individual covered under Section 504.012(a) who  
27 is providing volunteer services to a political subdivision of this

1 state as:

2 (A) a volunteer firefighter, without regard to  
3 whether the volunteer firefighter is certified under Subchapter D,  
4 Chapter 419, Government Code; or

5 (B) an emergency medical services volunteer, as  
6 defined by Section 773.003, Health and Safety Code.

7 SECTION 2.133. Section 85.004(b), Local Government Code, is  
8 amended to read as follows:

9 (b) A reserve deputy serves at the discretion of the sheriff  
10 and may be called into service if the sheriff considers it necessary  
11 to have additional officers to preserve the peace and enforce the  
12 law. The sheriff may authorize a reserve deputy who is a peace  
13 officer as described by Article 2A.001 [~~2.12~~], Code of Criminal  
14 Procedure, to carry a weapon or act as a peace officer at all times,  
15 regardless of whether the reserve deputy is engaged in the actual  
16 discharge of official duties, or may limit the authority of the  
17 reserve deputy to carry a weapon or act as a peace officer to only  
18 those times during which the reserve deputy is engaged in the actual  
19 discharge of official duties. A reserve deputy who is not a peace  
20 officer as described by Article 2A.001 [~~2.12~~], Code of Criminal  
21 Procedure, may act as a peace officer only during the actual  
22 discharge of official duties. A reserve deputy, regardless of  
23 whether the reserve deputy is a peace officer as described by  
24 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, is not:

25 (1) eligible for participation in any program provided  
26 by the county that is normally considered a financial benefit of  
27 full-time employment or for any pension fund created by statute for

1 the benefit of full-time paid peace officers; or

2 (2) exempt from Chapter 1702, Occupations Code.

3 SECTION 2.134. Section 86.0021(a), Local Government Code,  
4 is amended to read as follows:

5 (a) A person is not eligible to serve as constable unless:

6 (1) the person is eligible to be licensed under  
7 Sections 1701.309 and 1701.312, Occupations Code, and:

8 (A) has at least an associate's degree conferred  
9 by an institution of higher education accredited by an accrediting  
10 organization recognized by the Texas Higher Education Coordinating  
11 Board;

12 (B) is a special investigator under Article  
13 2A.002(a) [~~2.122(a)~~], Code of Criminal Procedure; or

14 (C) is an honorably retired peace officer or  
15 honorably retired federal criminal investigator who holds a  
16 certificate of proficiency issued under Section 1701.357,  
17 Occupations Code; or

18 (2) the person is an active or inactive licensed peace  
19 officer under Chapter 1701, Occupations Code.

20 SECTION 2.135. Section 86.012(b), Local Government Code, is  
21 amended to read as follows:

22 (b) A reserve deputy constable serves at the discretion of  
23 the constable and may be called into service at any time that the  
24 constable considers it necessary to have additional officers to  
25 preserve the peace and enforce the law. The constable may authorize  
26 a reserve deputy constable who is a peace officer as described by  
27 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, to carry a

1 weapon or act as a peace officer at all times, regardless of whether  
2 the reserve deputy constable is engaged in the actual discharge of  
3 official duties, or may limit the authority of the reserve deputy  
4 constable to carry a weapon or act as a peace officer to only those  
5 times during which the reserve deputy constable is engaged in the  
6 actual discharge of official duties. A reserve deputy constable  
7 who is not a peace officer as described by Article 2A.001 [~~2-12~~],  
8 Code of Criminal Procedure, may act as a peace officer only during  
9 the actual discharge of official duties. A reserve deputy  
10 constable, regardless of whether the reserve deputy constable is a  
11 peace officer as described by Article 2A.001 [~~2-12~~], Code of  
12 Criminal Procedure, is not:

13           (1) eligible for participation in any program provided  
14 by the county that is normally considered a financial benefit of  
15 full-time employment or for any pension fund created by statute for  
16 the benefit of full-time paid peace officers; or

17           (2) exempt from Chapter 1702, Occupations Code.

18           SECTION 2.136. Section 134.156(a), Local Government Code,  
19 is amended to read as follows:

20           (a) Money allocated under Section 134.103 to the local  
21 truancy prevention and diversion fund maintained in the county or  
22 municipal treasury as required by Section 134.151 may be used by a  
23 county or municipality to finance the salary, benefits, training,  
24 travel expenses, office supplies, and other necessary expenses  
25 relating to the position of a juvenile case manager employed under  
26 Article 45A.451 [~~45-056~~], Code of Criminal Procedure. If there is  
27 money in the fund after those costs are paid, subject to the

1 direction of the governing body of the county or municipality and on  
2 approval by the employing court, a juvenile case manager may direct  
3 the remaining money to be used to implement programs directly  
4 related to the duties of the juvenile case manager, including  
5 juvenile alcohol and substance abuse programs, educational and  
6 leadership programs, and any other projects designed to prevent or  
7 reduce the number of juvenile referrals to the court.

8 SECTION 2.137. Section 141.008(a-2), Local Government  
9 Code, is amended to read as follows:

10 (a-2) The governing body shall make the payroll deduction  
11 described by Subsection (a) if:

12 (1) requested in writing by employees who:

13 (A) are peace officers as defined by Article  
14 2A.001 [~~2.12~~], Code of Criminal Procedure; and

15 (B) are not members of a police department  
16 covered by a collective bargaining agreement or meet-and-confer  
17 agreement entered into under this code; and

18 (2) the municipality permits deductions for purposes  
19 other than charity, health insurance, taxes, or other purposes for  
20 which the municipality is required by law to permit a deduction.

21 SECTION 2.138. Section 142.004(a), Local Government Code,  
22 is amended to read as follows:

23 (a) In this section, "peace officer" means a peace officer  
24 as defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

25 SECTION 2.139. Section 142.052(1), Local Government Code,  
26 is amended to read as follows:

27 (1) "Police officer" means a person who is a peace

1 officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or  
2 other law, and who is employed by a municipality.

3 SECTION 2.140. Section 180.002(a), Local Government Code,  
4 is amended to read as follows:

5 (a) In this section, "peace officer" has the meaning  
6 assigned by Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

7 SECTION 2.141. Section 180.008(a)(5), Local Government  
8 Code, as added by Chapter 685 (H.B. 2073), Acts of the 87th  
9 Legislature, Regular Session, 2021, is amended to read as follows:

10 (5) "Peace officer" means an individual described by  
11 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, who is elected  
12 for, employed by, or appointed by a political subdivision.

13 SECTION 2.142. Sections 341.012(f), (g), and (h), Local  
14 Government Code, are amended to read as follows:

15 (f) A member of a reserve force who is not a peace officer as  
16 described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, may  
17 act as a peace officer only during the actual discharge of official  
18 duties.

19 (g) An appointment to the reserve force must be approved by  
20 the governing body before the person appointed may carry a weapon or  
21 otherwise act as a peace officer. On approval of the appointment of  
22 a member who is not a peace officer as described by Article 2A.001  
23 [~~2.12~~], Code of Criminal Procedure, the person appointed may carry  
24 a weapon only when authorized to do so by the chief of police and  
25 only when discharging official duties as a peace officer.

26 (h) Reserve police officers may act only in a supplementary  
27 capacity to the regular police force and may not assume the

1 full-time duties of regular police officers without complying with  
2 the requirements for regular police officers. On approval of the  
3 appointment of a member who is a peace officer as described by  
4 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, the chief of  
5 police may authorize the person appointed to carry a weapon or act  
6 as a peace officer at all times, regardless of whether the person is  
7 engaged in the actual discharge of official duties, or may limit the  
8 authority of the person to carry a weapon or act as a peace officer  
9 to only those times during which the person is engaged in the actual  
10 discharge of official duties. A reserve police officer, regardless  
11 of whether the reserve police officer is a peace officer as  
12 described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, is  
13 not:

14 (1) eligible for participation in any program provided  
15 by the governing body that is normally considered a financial  
16 benefit of full-time employment or for any pension fund created by  
17 statute for the benefit of full-time paid peace officers; or

18 (2) exempt from Chapter 1702, Occupations Code.

19 SECTION 2.143. Section 341.904(e), Local Government Code,  
20 is amended to read as follows:

21 (e) It is an affirmative defense to prosecution under this  
22 section that:

23 (1) the object was used or intended to be used  
24 exclusively for decorative purposes and:

25 (A) the actor was not engaged in an activity  
26 involving police work or security work; or

27 (B) the object was used only in an artistic or

1 dramatic presentation;

2 (2) the actor was engaged in the commercial  
3 manufacturing or commercial sales of the items described by  
4 Subsection (b);

5 (3) the actor was a licensed peace officer who:

6 (A) was on active duty discharging an official  
7 duty for an agency listed under Article 2A.001 [~~2.12~~], Code of  
8 Criminal Procedure, and acting under the agency's direct  
9 supervision; and

10 (B) was not privately employed as or hired on an  
11 individual or independent contractor basis as a patrolman, guard,  
12 watchman, flagman, or traffic conductor;

13 (4) the police chief consented, after determining that  
14 consent would serve law enforcement interests in the municipality,  
15 to the actor's:

16 (A) using or possessing a police identification  
17 item or other insignia of the municipal police department;

18 (B) using, possessing, or wearing an item or  
19 insignia similar to a police identification item or insignia of the  
20 municipal police department; or

21 (C) operating a vehicle similar to a patrol  
22 vehicle of the municipal police department; or

23 (5) the actor prosecuted under this section for  
24 wearing a uniform wore a light blue uniform shirt in a municipality  
25 that uses a light blue uniform shirt with navy blue pocket flaps and  
26 epaulets for its police officers, if the actor's shirt did not have:

27 (A) the contrasting navy blue pocket flaps or



1 epaulets found on the municipal police officers' uniform shirts;  
2 and

3 (B) a shoulder emblem similar in shape, color, or  
4 design to an emblem found on the municipal police officers' uniform  
5 shirts.

6 SECTION 2.144. Section 351.903(b), Local Government Code,  
7 is amended to read as follows:

8 (b) This authority includes the authority to:

9 (1) establish the hours of the curfew, including  
10 different hours for different days of the week;

11 (2) apply different curfew hours to different age  
12 groups of juveniles;

13 (3) describe the kinds of conduct subject to the  
14 curfew;

15 (4) determine the locations to which the curfew  
16 applies;

17 (5) determine which persons incur liability if a  
18 violation of the curfew occurs;

19 (6) prescribe procedures, in compliance with Article  
20 45A.455 [~~45.059~~], Code of Criminal Procedure, a police officer must  
21 follow in enforcing the curfew; and

22 (7) establish exemptions to the curfew, including but  
23 not limited to exemptions for times when there are no classes being  
24 conducted, for holidays, and for persons going to or from work.

25 SECTION 2.145. Section 455.001(13), Occupations Code, is  
26 amended to read as follows:

27 (13) "Peace officer" means a person who is a peace

1 officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

2 SECTION 2.146. Sections 1701.001(4) and (8), Occupations  
3 Code, are amended to read as follows:

4 (4) "Peace officer" means a person elected, employed,  
5 or appointed as a peace officer under Article 2A.001 [~~2.12~~], Code of  
6 Criminal Procedure, or other law.

7 (8) "School marshal" means a person who:

8 (A) is appointed to serve as a school marshal by:

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

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

14 (iii) the governing board of a public  
15 junior college under Section 51.220, Education Code;

16 (B) is licensed under Section 1701.260; and

17 (C) has powers and duties described by Article  
18 2A.008 [~~2.127~~], Code of Criminal Procedure.

19 SECTION 2.147. Section 1701.164, Occupations Code, is  
20 amended to read as follows:

21 Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA  
22 SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall  
23 collect and maintain incident-based data submitted to the  
24 commission under Article 2B.0055 [~~2.134~~], Code of Criminal  
25 Procedure, including incident-based data compiled by a law  
26 enforcement agency from reports received by the law enforcement  
27 agency under Article 2B.0054 [~~2.133~~] of that code. The commission

1 in consultation with the Department of Public Safety, the Bill  
2 Blackwood Law Enforcement Management Institute of Texas, the W. W.  
3 Caruth, Jr., Police Institute at Dallas, and the Texas Police  
4 Chiefs Association shall develop guidelines for submitting in a  
5 standard format the report containing incident-based data as  
6 required by Article 2B.0055 [~~2.134~~], Code of Criminal Procedure.

7 SECTION 2.148. Section 1701.260(a-1), Occupations Code, is  
8 amended to read as follows:

9 (a-1) In this section, "private school" has the meaning  
10 assigned by Article 2A.008 [~~2.127~~], Code of Criminal Procedure.

11 SECTION 2.149. Section 1701.3161(a), Occupations Code, is  
12 amended to read as follows:

13 (a) In this section, "retired peace officer" means a person  
14 who served as a peace officer in this state who:

15 (1) is not currently serving as an elected, appointed,  
16 or employed peace officer under Article 2A.001 [~~2.12~~], Code of  
17 Criminal Procedure, or other law;

18 (2) was eligible to retire from a law enforcement  
19 agency in this state or was ineligible to retire only as a result of  
20 an injury received in the course of the officer's employment with  
21 the law enforcement agency; and

22 (3) is eligible to receive a pension or annuity for  
23 service as a law enforcement officer in this state or is ineligible  
24 to receive a pension or annuity only because the law enforcement  
25 agency that employed the officer does not offer a pension or annuity  
26 to its employees.

27 SECTION 2.150. Section 1701.501(a), Occupations Code, is

1 amended to read as follows:

2 (a) Except as provided by Subsection (d), the commission  
3 shall revoke or suspend a license, place on probation a person whose  
4 license has been suspended, or reprimand a license holder for a  
5 violation of:

6 (1) this chapter;

7 (2) the reporting requirements provided by Articles  
8 2B.0053 and 2B.0055 [~~2.132 and 2.134~~], Code of Criminal Procedure;  
9 or

10 (3) a commission rule.

11 SECTION 2.151. Section 1702.002(15), Occupations Code, is  
12 amended to read as follows:

13 (15) "Peace officer" means a person who is a peace  
14 officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

15 SECTION 2.152. Section 2308.002(8-a), Occupations Code, is  
16 amended to read as follows:

17 (8-a) "Peace officer" means a person who is a peace  
18 officer under Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

19 SECTION 2.153. Sections 1.07(a)(36) and (46-b), Penal Code,  
20 are amended to read as follows:

21 (36) "Peace officer" means a person elected, employed,  
22 or appointed as a peace officer under Article 2A.001 [~~2.12~~], Code of  
23 Criminal Procedure, Section 51.212 or 51.214, Education Code, or  
24 other law.

25 (46-b) "Federal special investigator" means a person  
26 described by Article 2A.002 [~~2.122~~], Code of Criminal Procedure.

27 SECTION 2.154. Section 8.08(d), Penal Code, is amended to

1 read as follows:

2 (d) In this section, "child" has the meaning assigned by  
3 Article 45A.453(a) [~~45.058(h)~~], Code of Criminal Procedure.

4 SECTION 2.155. Section 9.54, Penal Code, is amended to read  
5 as follows:

6 Sec. 9.54. LIMITATION ON USE OF FORCE BY DRONE. (a) In  
7 this section:

8 (1) "Autonomous drone" means a drone that operates  
9 autonomously through computer software or other programming.

10 (2) "Drone" and "law enforcement agency" have the  
11 meanings assigned by Article 2B.0253 [~~2.33~~], Code of Criminal  
12 Procedure.

13 (b) Notwithstanding any other law, the use of force,  
14 including deadly force, involving a drone is justified under this  
15 subchapter only if:

16 (1) at the time the use of force occurred, the actor  
17 was employed by a law enforcement agency;

18 (2) the use of force:

19 (A) would have been justified under another  
20 provision of this subchapter; and

21 (B) did not involve the use of deadly force by  
22 means of an autonomous drone; and

23 (3) before the use of force occurred, the law  
24 enforcement agency employing the actor adopted and submitted to the  
25 Texas Commission on Law Enforcement a policy on the agency's use of  
26 force by means of a drone, as required by Article 2B.0253 [~~2.33~~],  
27 Code of Criminal Procedure, and the use of force conformed to the

1 requirements of that policy.

2 SECTION 2.156. Section 30.05(i), Penal Code, is amended to  
3 read as follows:

4 (i) This section does not apply if:

5 (1) the basis on which entry on the property or land or  
6 in the building was forbidden is that entry with a handgun or other  
7 weapon was forbidden; and

8 (2) the actor at the time of the offense was a peace  
9 officer, including a commissioned peace officer of a recognized  
10 state, or a special investigator under Article 2A.002 [~~2.122~~], Code  
11 of Criminal Procedure, regardless of whether the peace officer or  
12 special investigator was engaged in the actual discharge of an  
13 official duty while carrying the weapon.

14 SECTION 2.157. Section 46.15(a), Penal Code, is amended to  
15 read as follows:

16 (a) Sections 46.02 and 46.03 do not apply to:

17 (1) peace officers or special investigators under  
18 Article 2A.002 [~~2.122~~], Code of Criminal Procedure, and neither  
19 section prohibits a peace officer or special investigator from  
20 carrying a weapon in this state, including in an establishment in  
21 this state serving the public, regardless of whether the peace  
22 officer or special investigator is engaged in the actual discharge  
23 of the officer's or investigator's duties while carrying the  
24 weapon;

25 (2) parole officers, and neither section prohibits an  
26 officer from carrying a weapon in this state if the officer is:

27 (A) engaged in the actual discharge of the

1 officer's duties while carrying the weapon; and

2 (B) in compliance with policies and procedures  
3 adopted by the Texas Department of Criminal Justice regarding the  
4 possession of a weapon by an officer while on duty;

5 (3) community supervision and corrections department  
6 officers appointed or employed under Section 76.004, Government  
7 Code, and neither section prohibits an officer from carrying a  
8 weapon in this state if the officer is:

9 (A) engaged in the actual discharge of the  
10 officer's duties while carrying the weapon; and

11 (B) authorized to carry a weapon under Section  
12 76.0051, Government Code;

13 (4) an active judicial officer as defined by Section  
14 411.201, Government Code, who is licensed to carry a handgun under  
15 Subchapter H, Chapter 411, Government Code;

16 (5) an honorably retired peace officer or other  
17 qualified retired law enforcement officer, as defined by 18 U.S.C.  
18 Section 926C, who holds a certificate of proficiency issued under  
19 Section 1701.357, Occupations Code, and is carrying a photo  
20 identification that is issued by a federal, state, or local law  
21 enforcement agency, as applicable, and that verifies that the  
22 officer is an honorably retired peace officer or other qualified  
23 retired law enforcement officer;

24 (6) the attorney general or a United States attorney,  
25 district attorney, criminal district attorney, county attorney, or  
26 municipal attorney who is licensed to carry a handgun under  
27 Subchapter H, Chapter 411, Government Code;

1           (7) an assistant United States attorney, assistant  
2 attorney general, assistant district attorney, assistant criminal  
3 district attorney, or assistant county attorney who is licensed to  
4 carry a handgun under Subchapter H, Chapter 411, Government Code;

5           (8) a bailiff designated by an active judicial officer  
6 as defined by Section 411.201, Government Code, who is:

7           (A) licensed to carry a handgun under Subchapter  
8 H, Chapter 411, Government Code; and

9           (B) engaged in escorting the judicial officer;

10          (9) a juvenile probation officer who is authorized to  
11 carry a firearm under Section 142.006, Human Resources Code; or

12          (10) a person who is volunteer emergency services  
13 personnel if the person is:

14           (A) carrying a handgun under the authority of  
15 Subchapter H, Chapter 411, Government Code; and

16           (B) engaged in providing emergency services.

17          SECTION 2.158. Section 50.01(2), Penal Code, is amended to  
18 read as follows:

19           (2) "Law enforcement officer" means a person who is a  
20 peace officer under Article 2A.001 [~~2.12~~], Code of Criminal  
21 Procedure, or a person who is a federal law enforcement officer, as  
22 defined by 5 U.S.C. Section 8331(20).

23          SECTION 2.159. Section 31.0391(b), Parks and Wildlife Code,  
24 is amended to read as follows:

25           (b) This section does not apply to the release of  
26 information to:

27           (1) a peace officer as defined by Article 2A.001



1 ~~[2.12]~~, Code of Criminal Procedure, who is acting in an official  
2 capacity; or

3 (2) a state official or an official of a political  
4 subdivision of this state who requests the information for tax  
5 purposes.

6 SECTION 2.160. Section 61.201(e), Parks and Wildlife Code,  
7 is amended to read as follows:

8 (e) This section may be enforced by any peace officer listed  
9 in Article 2A.001 ~~[2.12]~~, Code of Criminal Procedure.

10 SECTION 2.161. Section 62.014(n), Parks and Wildlife Code,  
11 is amended to read as follows:

12 (n) The following persons are exempt from any requirement to  
13 complete a hunter education course under this section:

14 (1) an honorably discharged veteran of the United  
15 States armed forces or a person who is on active duty as a member of  
16 the United States armed forces;

17 (2) a person who is on active duty or has previously  
18 served as a member of the Texas Army National Guard, the Texas Air  
19 National Guard, or the Texas State Guard; or

20 (3) a person who is serving or has previously served as  
21 a peace officer described by ~~[Subdivision (1), (2), (3), or (4),]~~  
22 Article 2A.001(1), (2), (3), or (4) ~~[2.12]~~, Code of Criminal  
23 Procedure.

24 SECTION 2.162. Section 62.082(d), Parks and Wildlife Code,  
25 is amended to read as follows:

26 (d) Section 62.081 does not apply to:

27 (1) an employee of the Lower Colorado River Authority;

- 1           (2) a person authorized to hunt under Subsection (c);  
2           (3) a peace officer as defined by Article 2A.001  
3 ~~[2.12]~~, Code of Criminal Procedure; or  
4           (4) a person who:  
5                 (A) possesses a handgun and a license issued  
6 under Subchapter H, Chapter 411, Government Code, to carry a  
7 handgun; or  
8                 (B) under circumstances in which the person would  
9 be justified in the use of deadly force under Chapter 9, Penal Code,  
10 shoots a handgun the person is licensed to carry under Subchapter H,  
11 Chapter 411, Government Code.

12           SECTION 2.163. Section 201.910(b), Transportation Code, is  
13 amended to read as follows:

14           (b) As used in this section, "peace officer" means a person  
15 who was:

- 16                 (1) a law enforcement officer or peace officer for  
17 this state or a political subdivision of this state under Article  
18 2A.001 ~~[2.12]~~, Code of Criminal Procedure, or other law; or  
19                 (2) a federal law enforcement officer or special agent  
20 performing duties in this state, including those officers under  
21 Article 2A.002 ~~[2.122]~~, Code of Criminal Procedure.

22           SECTION 2.164. Section 451.113(c), Transportation Code, is  
23 amended to read as follows:

24           (c) Subsection (a) may be enforced by any peace officer  
25 listed in Article 2A.001 ~~[2.12]~~, Code of Criminal Procedure, in  
26 whose jurisdiction the offense is committed.

27           SECTION 2.165. Section 472.022(f), Transportation Code, is

1 amended to read as follows:

2 (f) Subchapters G and H, Chapter 45A [~~Articles 45.051 and~~  
3 ~~45.0511~~], Code of Criminal Procedure, do not apply to an offense  
4 under this section committed in a construction or maintenance work  
5 zone when workers are present.

6 SECTION 2.166. Section 502.452(c), Transportation Code, is  
7 amended to read as follows:

8 (c) A peace officer listed in Article 2A.001 [~~2.12~~], Code of  
9 Criminal Procedure, may seize a motor vehicle displaying exempt  
10 license plates if the vehicle is:

- 11 (1) operated on a public highway; and  
12 (2) not identified in the manner prescribed by  
13 Subsection (a) or (b), unless the vehicle is covered by Subsection  
14 (f).

15 SECTION 2.167. Section 521.1211(a)(1), Transportation  
16 Code, is amended to read as follows:

17 (1) "Peace officer" has the meaning assigned by  
18 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, except that the  
19 term includes a special investigator as defined by Article 2A.002  
20 [~~2.122~~], Code of Criminal Procedure.

21 SECTION 2.168. Section 521.126(d), Transportation Code, is  
22 amended to read as follows:

23 (d) The prohibition provided by Subsection (b) does not  
24 apply to a person who accesses, uses, compiles, or maintains a  
25 database of the information for a law enforcement or governmental  
26 purpose, including:

- 27 (1) an officer or employee of the department carrying

1 out law enforcement or government purposes;

2 (2) a peace officer, as defined by Article 2A.001  
3 [~~2.12~~], Code of Criminal Procedure, acting in the officer's  
4 official capacity;

5 (3) a license deputy, as defined by Section 12.702,  
6 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or  
7 other similar item through use of a point-of-sale system under  
8 Section 12.703, Parks and Wildlife Code;

9 (4) a person acting as authorized by Section 109.61,  
10 Alcoholic Beverage Code;

11 (5) a person establishing the identity of a voter  
12 under Chapter 63, Election Code;

13 (6) a person acting as authorized by Section 161.0825,  
14 Health and Safety Code; or

15 (7) a person screening an individual who will work  
16 with or have access to children if the person is an employee or an  
17 agent of an employee of a public school district or an organization  
18 exempt from federal income tax under Section 501(c)(3), Internal  
19 Revenue Code of 1986, as amended, that sponsors a program for youth.

20 SECTION 2.169. Section 521.3451(a), Transportation Code,  
21 is amended to read as follows:

22 (a) The department shall suspend or deny the issuance of a  
23 driver's license or learner license on receipt of an order to  
24 suspend or deny the issuance of either license from a justice or  
25 municipal court under Article 45A.461 [~~45.050~~], Code of Criminal  
26 Procedure.

27 SECTION 2.170. Section 521.453(c), Transportation Code, is

1 amended to read as follows:

2 (c) A peace officer listed in Article 2A.001 [~~2.12~~], Code of  
3 Criminal Procedure, may confiscate a document that:

4 (1) is deceptively similar to a driver's license or  
5 personal identification certificate; and

6 (2) does not display the statement required under  
7 Subsection (a).

8 SECTION 2.171. Section 541.201(13-a), Transportation Code,  
9 is amended to read as follows:

10 (13-a) "Police vehicle" means a vehicle used by a  
11 peace officer, as defined by Article 2A.001 [~~2.12~~], Code of  
12 Criminal Procedure, for law enforcement purposes that:

13 (A) is owned or leased by a governmental entity;

14 (B) is owned or leased by the police department  
15 of a private institution of higher education that commissions peace  
16 officers under Section 51.212, Education Code; or

17 (C) is:

18 (i) a private vehicle owned or leased by the  
19 peace officer; and

20 (ii) approved for use for law enforcement  
21 purposes by the head of the law enforcement agency that employs the  
22 peace officer, or by that person's designee, provided that use of  
23 the private vehicle must, if applicable, comply with any rule  
24 adopted by the commissioners court of a county under Section  
25 170.001, Local Government Code, and that the private vehicle may  
26 not be considered an authorized emergency vehicle for exemption  
27 purposes under Section 228.054, 284.070, 366.178, or 370.177 of

1 this code [~~, Transportation Code,~~] unless the vehicle is marked.

2 SECTION 2.172. Section 542.304(b), Transportation Code, is  
3 amended to read as follows:

4 (b) The rules must provide that for the purposes of the  
5 provisions described in Subsection (a), moving violations:

6 (1) include:

7 (A) a violation of the traffic law of this state,  
8 another state, or a political subdivision of this or another state;  
9 and

10 (B) an offense under Section 545.412; and

11 (2) do not include:

12 (A) an offense committed before September 1,  
13 2003;

14 (B) the offense of speeding when the person  
15 convicted was at the time of the offense driving less than 10  
16 percent faster than the posted speed limit, unless the person  
17 committed the offense in a school crossing zone;

18 (C) an offense adjudicated under Subchapter G or  
19 H, Chapter 45A [~~Article 45.051 or 45.0511~~], Code of Criminal  
20 Procedure; or

21 (D) an offense under Section 545.4251.

22 SECTION 2.173. Sections 542.402(b) and (b-2),  
23 Transportation Code, are amended to read as follows:

24 (b) In each fiscal year, a municipality having a population  
25 of less than 5,000 may retain, from fines collected for violations  
26 of this title and fines collected under Article 45A.302  
27 [~~45.051(a)~~], Code of Criminal Procedure, in cases in which a

1 violation of this title is alleged, an amount equal to 30 percent of  
2 the municipality's revenue for the preceding fiscal year from all  
3 sources, other than federal funds and bond proceeds, as shown by the  
4 audit performed under Section 103.001, Local Government Code.  
5 After a municipality has retained that amount, the municipality  
6 shall send to the comptroller any portion of a fine collected that  
7 exceeds \$1.

8 (b-2) In each fiscal year, a county described by Subsection  
9 (b-1) may retain, from fines collected for violations of this title  
10 and from fines collected under Article 45A.302 [~~45.051(a)~~], Code of  
11 Criminal Procedure, in cases in which a violation of this title is  
12 alleged, an amount equal to 30 percent of the county's revenue for  
13 the preceding fiscal year from all sources, other than federal  
14 funds and bond proceeds, as shown by an audit performed under  
15 Chapter 115, Local Government Code. After a county has retained  
16 that amount, the county shall send to the comptroller any portion of  
17 a fine collected that exceeds \$1.

18 SECTION 2.174. Section 543.202(b), Transportation Code, is  
19 amended to read as follows:

20 (b) The record must be made on a form or by a data processing  
21 method acceptable to the department and must include:

22 (1) the name, address, physical description,  
23 including race or ethnicity, date of birth, and driver's license  
24 number of the person charged;

25 (2) the registration number of the vehicle involved;

26 (3) whether the vehicle was a commercial motor vehicle  
27 as defined by Chapter 522 or was involved in transporting hazardous

1 materials;

2 (4) the person's social security number, if the person  
3 was operating a commercial motor vehicle or was the holder of a  
4 commercial driver's license or commercial learner's permit;

5 (5) the date and nature of the offense, including  
6 whether the offense was a serious traffic violation as defined by  
7 Chapter 522;

8 (6) whether a search of the vehicle was conducted and  
9 whether consent for the search was obtained;

10 (7) the plea, the judgment, whether the individual was  
11 adjudicated under Subchapter H, Chapter 45A [~~Article 45.0511~~], Code  
12 of Criminal Procedure, and whether bail was forfeited;

13 (8) the date of conviction; and

14 (9) the amount of the fine or forfeiture.

15 SECTION 2.175. Section 543.204(a), Transportation Code, is  
16 amended to read as follows:

17 (a) A justice of the peace or municipal judge who defers  
18 further proceedings and [~~7~~] suspends all or part of the imposition  
19 of the fine [~~7, and places a defendant on probation~~] under Subchapter  
20 G, Chapter 45A [~~Article 45.051~~], Code of Criminal Procedure, or a  
21 county court judge who follows that procedure under Article 42.111,  
22 Code of Criminal Procedure, may not submit a written record to the  
23 department, except that if the justice or judge subsequently  
24 adjudicates the defendant's guilt, the justice or judge shall  
25 submit the record not later than the seventh day after the date on  
26 which the justice or judge adjudicates guilt.

27 SECTION 2.176. Section 545.305(a), Transportation Code, is



1 amended to read as follows:

2 (a) A peace officer listed under Article 2A.001 [~~2.12~~], Code  
3 of Criminal Procedure, or a license and weight inspector of the  
4 department may remove or require the operator or a person in charge  
5 of a vehicle to move a vehicle from a highway if the vehicle:

6 (1) is unattended on a bridge, viaduct, or causeway or  
7 in a tube or tunnel and the vehicle is obstructing traffic;

8 (2) is unlawfully parked and blocking the entrance to  
9 a private driveway;

10 (3) has been reported as stolen;

11 (4) is identified as having been stolen in a warrant  
12 issued on the filing of a complaint;

13 (5) is unattended and the officer has reasonable  
14 grounds to believe that the vehicle has been abandoned for longer  
15 than 48 hours;

16 (6) is disabled so that normal operation is impossible  
17 or impractical and the owner or person in charge of the vehicle is:

18 (A) incapacitated and unable to provide for the  
19 vehicle's removal or custody; or

20 (B) not in the immediate vicinity of the vehicle;

21 (7) is disabled so that normal operation is impossible  
22 or impractical and the owner or person in charge of the vehicle does  
23 not designate a particular towing or storage company;

24 (8) is operated by a person an officer arrests for an  
25 alleged offense and the officer is required by law to take the  
26 person into custody; or

27 (9) is, in the opinion of the officer, a hazard,

1 interferes with a normal function of a governmental agency, or  
2 because of a catastrophe, emergency, or unusual circumstance is  
3 imperiled.

4 SECTION 2.177. Section 601.053(a), Transportation Code, is  
5 amended to read as follows:

6 (a) As a condition of operating in this state a motor  
7 vehicle to which Section 601.051 applies, the operator of the  
8 vehicle on request shall provide to a peace officer, as defined by  
9 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, or a person  
10 involved in an accident with the operator evidence of financial  
11 responsibility by exhibiting:

12 (1) a motor vehicle liability insurance policy  
13 covering the vehicle that satisfies Subchapter D or a photocopy of  
14 the policy;

15 (2) a standard proof of motor vehicle liability  
16 insurance form prescribed by the Texas Department of Insurance  
17 under Section 601.081 and issued by a liability insurer for the  
18 motor vehicle;

19 (2-a) an image displayed on a wireless communication  
20 device that includes the information required by Section 601.081 as  
21 provided by a liability insurer;

22 (3) an insurance binder that confirms the operator is  
23 in compliance with this chapter;

24 (4) a surety bond certificate issued under Section  
25 601.121;

26 (5) a certificate of a deposit with the comptroller  
27 covering the vehicle issued under Section 601.122;

1           (6) a copy of a certificate of a deposit with the  
2 appropriate county judge covering the vehicle issued under Section  
3 601.123; or

4           (7) a certificate of self-insurance covering the  
5 vehicle issued under Section 601.124 or a photocopy of the  
6 certificate.

7           SECTION 2.178. Section 706.001(1), Transportation Code, is  
8 amended to read as follows:

9           (1) "Complaint" means a notice of an offense as  
10 described by Article 27.14(d) or 45A.101 [~~45.019~~], Code of Criminal  
11 Procedure.

12           SECTION 2.179. Sections 721.005(a) and (b), Transportation  
13 Code, are amended to read as follows:

14           (a) The governing body of a municipality may exempt from the  
15 requirements of Section 721.004:

16           (1) an automobile when used to perform an official  
17 duty by a:

18                   (A) police department;

19                   (B) magistrate as defined by Article 2A.151  
20 [~~2.09~~], Code of Criminal Procedure;

21                   (C) medical examiner;

22                   (D) municipal code enforcement officer  
23 designated to enforce environmental criminal laws; or

24                   (E) municipal fire marshal or arson  
25 investigator; or

26           (2) an automobile used by a municipal employee only  
27 when conducting an investigation involving suspected fraud or other

1 mismanagement within the municipality.

2 (b) The commissioners court of a county may exempt from the  
3 requirements of Section 721.004:

4 (1) an automobile when used to perform an official  
5 duty by a:

6 (A) police department;

7 (B) sheriff's office;

8 (C) constable's office;

9 (D) criminal district attorney's office;

10 (E) district attorney's office;

11 (F) county attorney's office;

12 (G) magistrate as defined by Article 2A.151  
13 [~~2.09~~], Code of Criminal Procedure;

14 (H) county fire marshal's office; or

15 (I) medical examiner; or

16 (2) a juvenile probation department vehicle used to  
17 transport children, when used to perform an official duty.

18 SECTION 2.180. Section 25.025(a), Tax Code, is amended to  
19 read as follows:

20 (a) This section applies only to:

21 (1) a current or former peace officer as defined by  
22 Article 2A.001 [~~2.12~~], Code of Criminal Procedure, and the spouse  
23 or surviving spouse of the peace officer;

24 (2) the adult child of a current peace officer as  
25 defined by Article 2A.001 [~~2.12~~], Code of Criminal Procedure;

26 (3) a current or honorably retired county jailer as  
27 defined by Section 1701.001, Occupations Code;

1           (4) an employee of the Texas Department of Criminal  
2 Justice;

3           (5) a commissioned security officer as defined by  
4 Section 1702.002, Occupations Code;

5           (6) an individual who shows that the individual, the  
6 individual's child, or another person in the individual's household  
7 is a victim of family violence as defined by Section 71.004, Family  
8 Code, by providing:

9           (A) a copy of a protective order issued under  
10 Chapter 85, Family Code, or a magistrate's order for emergency  
11 protection issued under Article 17.292, Code of Criminal Procedure;  
12 or

13           (B) other independent documentary evidence  
14 necessary to show that the individual, the individual's child, or  
15 another person in the individual's household is a victim of family  
16 violence;

17           (7) an individual who shows that the individual, the  
18 individual's child, or another person in the individual's household  
19 is a victim of sexual assault or abuse, stalking, or trafficking of  
20 persons by providing:

21           (A) a copy of a protective order issued under  
22 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a  
23 magistrate's order for emergency protection issued under Article  
24 17.292, Code of Criminal Procedure; or

25           (B) other independent documentary evidence  
26 necessary to show that the individual, the individual's child, or  
27 another person in the individual's household is a victim of sexual

1 assault or abuse, stalking, or trafficking of persons;

2 (8) a participant in the address confidentiality  
3 program administered by the attorney general under Subchapter B,  
4 Chapter 58, Code of Criminal Procedure, who provides proof of  
5 certification under Article 58.059, Code of Criminal Procedure;

6 (9) a federal judge, a federal bankruptcy judge, a  
7 marshal of the United States Marshals Service, a state judge, or a  
8 family member of a federal judge, a federal bankruptcy judge, a  
9 marshal of the United States Marshals Service, or a state judge;

10 (10) a current or former district attorney, criminal  
11 district attorney, or county or municipal attorney whose  
12 jurisdiction includes any criminal law or child protective services  
13 matters;

14 (11) a current or former employee of a district  
15 attorney, criminal district attorney, or county or municipal  
16 attorney whose jurisdiction includes any criminal law or child  
17 protective services matters;

18 (12) an officer or employee of a community supervision  
19 and corrections department established under Chapter 76,  
20 Government Code, who performs a duty described by Section 76.004(b)  
21 of that code;

22 (13) a criminal investigator of the United States as  
23 described by Article 2A.002(a) [~~2.122(a)~~], Code of Criminal  
24 Procedure;

25 (14) a current or honorably retired police officer or  
26 inspector of the United States Federal Protective Service;

27 (15) a current or former United States attorney,

1 assistant United States attorney, federal public defender, deputy  
2 federal public defender, or assistant federal public defender and  
3 the spouse and child of the attorney or public defender;

4 (16) a current or former employee of the office of the  
5 attorney general who is or was assigned to a division of that office  
6 the duties of which involve law enforcement;

7 (17) a medical examiner or person who performs  
8 forensic analysis or testing who is employed by this state or one or  
9 more political subdivisions of this state;

10 (18) a current or former member of the United States  
11 armed forces who has served in an area that the president of the  
12 United States by executive order designates for purposes of 26  
13 U.S.C. Section 112 as an area in which armed forces of the United  
14 States are or have engaged in combat;

15 (19) a current or former employee of the Texas  
16 Juvenile Justice Department or of the predecessors in function of  
17 the department;

18 (20) a current or former juvenile probation or  
19 supervision officer certified by the Texas Juvenile Justice  
20 Department, or the predecessors in function of the department,  
21 under Title 12, Human Resources Code;

22 (21) a current or former employee of a juvenile  
23 justice program or facility, as those terms are defined by Section  
24 261.405, Family Code;

25 (22) a current or former employee of the Texas Civil  
26 Commitment Office or the predecessor in function of the office or a  
27 division of the office;

1           (23) a current or former employee of a federal judge or  
2 state judge;

3           (24) a current or former child protective services  
4 caseworker, adult protective services caseworker, or investigator  
5 for the Department of Family and Protective Services or a current or  
6 former employee of a department contractor performing child  
7 protective services caseworker, adult protective services  
8 caseworker, or investigator functions for the contractor on behalf  
9 of the department;

10           (25) an elected public officer; and

11           (26) a firefighter or volunteer firefighter or  
12 emergency medical services personnel as defined by Section 773.003,  
13 Health and Safety Code.

14           SECTION 2.181. Section 7.193, Water Code, is amended to  
15 read as follows:

16           Sec. 7.193. PEACE OFFICERS. For purposes of this  
17 subchapter, the authorized agents and employees of the Parks and  
18 Wildlife Department are peace officers. Those agents and employees  
19 are empowered to enforce this subchapter the same as any other peace  
20 officer and for that purpose have the powers and duties of peace  
21 officers assigned by Chapter 2A [~~2~~], Code of Criminal Procedure.

22           SECTION 2.182. Section 7.203(b), Water Code, is amended to  
23 read as follows:

24           (b) Before a peace officer, as that term is defined in  
25 Section 7.193 of this code or Chapter 2A [~~2~~], Code of Criminal  
26 Procedure, may refer any alleged criminal environmental violation  
27 by a person holding a permit issued by the commission or an employee



1 of that person of this code, of the Health and Safety Code, or of any  
2 other statute, rule, order, permit, or other decision of the  
3 commission that is within the commission's jurisdiction to a  
4 prosecuting attorney for criminal prosecution, the peace officer  
5 shall notify the commission in writing of the alleged criminal  
6 environmental violation and include with the notification a report  
7 describing the facts and circumstances of the alleged criminal  
8 environmental violation. This section does not prohibit a peace  
9 officer from issuing a citation or making an arrest.

10 SECTION 2.183. Section 60.077(b), Water Code, is amended to  
11 read as follows:

12 (b) A peace officer employed or appointed by the commission  
13 has the same powers and duties as a peace officer described by  
14 Article 2A.001 [~~2.12~~], Code of Criminal Procedure.

15 SECTION 2.184. Sections 60.0775(f), (g), and (i), Water  
16 Code, are amended to read as follows:

17 (f) A reserve force member who is not a peace officer as  
18 described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, may  
19 act as a peace officer only during the discharge of official duties.  
20 A reserve force member who is a peace officer under that article  
21 must hold a permanent peace officer license issued under Chapter  
22 1701, Occupations Code.

23 (g) The commission must approve an appointment to the  
24 reserve force before the person appointed may carry a weapon or  
25 otherwise act as a peace officer. On approval of the appointment of  
26 a person who is not a peace officer as described by Article 2A.001  
27 [~~2.12~~], Code of Criminal Procedure, the person appointed may carry

1 a weapon only when authorized to do so by the chief of police and  
2 only when discharging official duties as a peace officer. On  
3 approval of the appointment of a person who is a peace officer as  
4 described by Article 2A.001 [~~2.12~~], Code of Criminal Procedure, the  
5 chief of police may:

6 (1) authorize the person appointed to carry a weapon  
7 or act as a peace officer at all times, regardless of whether the  
8 person is engaged in the discharge of official duties; or

9 (2) limit the person's authority to carry a weapon or  
10 act as a peace officer to only those times during which the person  
11 is engaged in the discharge of official duties.

12 (i) A reserve police officer, regardless of whether the  
13 reserve police officer is a peace officer as described by Article  
14 2A.001 [~~2.12~~], Code of Criminal Procedure, is not:

15 (1) eligible for participation in:

16 (A) a program provided by the commission that is  
17 normally considered a financial benefit of full-time employment; or

18 (B) a pension fund created by statute for the  
19 benefit of full-time paid peace officers; or

20 (2) exempt from Chapter 1702, Occupations Code.

21 ARTICLE 3. REPEALER

22 SECTION 3.001. REPEALER. The following laws are repealed:

23 (1) Articles 2.01, 2.02, 2.021, 2.022, 2.023, 2.024,  
24 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.12, 2.121, 2.122,  
25 2.123, 2.124, 2.125, 2.126, 2.127, 2.13, 2.1305, 2.131, 2.132,  
26 2.133, 2.134, 2.136, 2.137, 2.138, 2.1385, 2.1386, 2.1387, 2.139,  
27 2.1395, 2.13951, 2.1396, 2.1397, 2.14, 2.15, 2.16, 2.17, 2.18,

1 2.19, 2.195, 2.20, 2.21, 2.211, 2.212, 2.22, 2.23, 2.25, 2.251,  
2 2.27, 2.271, 2.272, 2.273, 2.28, 2.29, 2.295, 2.30, 2.305, and  
3 2.32, Code of Criminal Procedure;

4 (2) Article 2.03(a), Code of Criminal Procedure;

5 (3) Article 2.31, Code of Criminal Procedure, as added  
6 by Chapters 176 (S.B. 604) and 1341 (S.B. 1233), Acts of the 82nd  
7 Legislature, Regular Session, 2011;

8 (4) Article 2.33, Code of Criminal Procedure, as added  
9 by Chapters 534 (S.B. 69), 979 (S.B. 2212), and 1011 (H.B. 1758),  
10 Acts of the 87th Legislature, Regular Session, 2021;

11 (5) Article 3.05, Code of Criminal Procedure;

12 (6) Chapters 13, 31, 45, and 55, Code of Criminal  
13 Procedure; and

14 (7) Subchapter N, Chapter 1701, Occupations Code.

15 ARTICLE 4. GENERAL MATTERS

16 SECTION 4.001. This Act is enacted under Section 43,  
17 Article III, Texas Constitution. This Act is intended as a  
18 codification only, and no substantive change in the law is intended  
19 by this Act.

20 SECTION 4.002. (a) Chapter 311, Government Code (Code  
21 Construction Act), applies to the construction of each provision in  
22 the Code of Criminal Procedure that is enacted under Section 43,  
23 Article III, Texas Constitution (authorizing the continuing  
24 statutory revision program), in the same manner as to a code enacted  
25 under the continuing statutory revision program, except as  
26 otherwise expressly provided by the Code of Criminal Procedure.

27 (b) A reference in a law to a statute or a part of a statute

H.B. No. 4504

1 in the Code of Criminal Procedure enacted under Section 43, Article  
2 III, Texas Constitution (authorizing the continuing statutory  
3 revision program), is considered to be a reference to the part of  
4 that code that revises that statute or part of that statute.

5 SECTION 4.003. This Act takes effect January 1, 2025.

**ADOPTED**

**MAY 17 2023**

FLOOR AMENDMENT NO. 1

*Lately Spaul*  
Secretary of the Senate BY:

*Michael J. Spaul*

1 Amend H.B. No. 4504 in SECTION 1.002 of the bill, in the  
2 heading to added Article 19A.256, Code of Criminal Procedure, by  
3 striking "ASSEMBLY OF" and substituting "REFERRAL TO".

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 18, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4504** by Moody (Relating to the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments.), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JMc, SD, KDw, CMA

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 12, 2023**

**TO:** Honorable Bob Hall, Chair, Senate Committee on Administration

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4504** by Moody (Relating to the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JMc, KDw, CMA

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 14, 2023**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4504** by Moody (Relating to the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JMc, KDw, CMA