

CODE OF CRIMINAL PROCEDURE
TITLE 1. CODE OF CRIMINAL PROCEDURE
CHAPTER 2A. OFFICERS; POWERS AND DUTIES

SUBCHAPTER A. TYPES OF PEACE OFFICERS

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 121, H.B. 1458, H.B. 1620, H.B. 3248, S.B. 434, S.B. 502 and S.B. 2405, 89th Legislature, Regular Session, for amendments affecting the following section.

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

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

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

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

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

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

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

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

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

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

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

(11) an officer commissioned under Chapter 23,

Transportation Code;

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

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

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

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

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

(17) an officer commissioned by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 1620 and H.B. 1866, 89th Legislature, Regular Session, for amendments affecting the following section.

Art. 2A.002. SPECIAL INVESTIGATORS. (a) The following

criminal investigators of the United States are not peace officers but have the powers of arrest, search, and seizure under the laws of this state as to felony offenses only:

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

(2) a special agent of the Secret Service;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) a police officer with the Office of Security and

Law Enforcement of the United States Department of Veterans Affairs.

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

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

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

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

(f) Security personnel working at a commercial nuclear

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

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

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

(2) any criminal offense under federal law.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 906, 89th Legislature, Regular Session, for amendments affecting the following section.

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

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

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

(1) within the tribe's reservation:

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

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

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

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

(B) is assisting another law enforcement agency.

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

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

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

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

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

(1) only:

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

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

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

(B) to the extent necessary to:

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

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

(2) only while the officer is:

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

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

(b) A peace officer described by Subsection (a)(2) may also enforce the ordinances of a municipality in this state described by that subdivision if the governing body of the municipality authorizes that enforcement by majority vote at an open meeting. Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

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

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

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

the persons and property of railroad passengers and employees.

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

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

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

(B) damage to railroad property; or

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

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

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

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

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

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

(3) the executive director of the commission:

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

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

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

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

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

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

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

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

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

(m) The director of the department and the executive director of the commission may adopt rules necessary for the effective administration and performance of the duties delegated to the director and the executive director by this article.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

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

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

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

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

(c) Except as provided by Subsection (d), a special ranger may make arrests and exercise all authority given peace officers

under this code when necessary to prevent or abate the commission of an offense involving livestock or related property.

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

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

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

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

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

(3) the executive director of the commission:

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

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

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

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

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

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

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

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

ranger.

(1) The director of the department and the executive director of the commission may adopt rules necessary for the effective administration and performance of the duties delegated to the director and the executive director by this article.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec.

1.001, eff. January 1, 2025.

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

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

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

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

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

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

(2) appointed by:

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

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

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

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

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

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

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

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#), 89th Legislature, Regular Session, for amendments affecting the following section.

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

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

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

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

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

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

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

(7) on a request made by the Texas Civil Commitment Office, execute an emergency detention order issued by that office under Section [841.0837](#), Health and Safety Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

(1) "Establishment serving the public" means:

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

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

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

(D) a sports venue; and

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2A.053. SUMMONING AID. (a) A peace officer who meets

resistance while discharging a duty imposed on the officer by law shall summon a number of residents of the officer's county sufficient to overcome that resistance.

(b) A person summoned by a peace officer under Subsection (a) shall obey the officer.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

(b) The payment of a fine under Subsection (a) shall be enforced in the same manner as a fine for contempt in a civil case.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

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

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

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

and

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

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

(2) alleges an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to

the child by a person responsible for the care, custody, or welfare of the child.

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

(d) On receipt of a report of abuse, neglect, exploitation, or other complaint of a resident of a nursing home, convalescent home, or other related institution or an assisted living facility, under Section [260A.007\(c\)\(1\)](#), Health and Safety Code, the appropriate local law enforcement agency shall investigate the report as required by Section [260A.017](#), Health and Safety Code. Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

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

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

(2) a juvenile probation department;

(3) the Department of Family and Protective Services;

or

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

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

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

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

(A) verify that the person to whom the child is

being released:

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

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

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

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

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

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

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

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

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

(B) the name and address of the person to whom the child is being released.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

(a) Subject to Subsection (b), in the course of investigating an alleged criminal offense, a peace officer may inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to:

(1) investigate the offense; or

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

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

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

(2) inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

(1) notify the person that:

(A) the person's identifying information was

misused by another person arrested in the county;

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

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

(2) notify the Department of Public Safety regarding:

(A) the misuse of the identifying information;

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

(C) whether the agency was able to notify the person whose identifying information was misused.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

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

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

(2) practices for minimizing contamination; and

(3) effective eyewitness identification protocols.

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

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

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

(3) apprehend and commit to jail each person who commits an offense until an examination or trial can be held.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

(1) was committed for want of bail; or

(2) was arrested in a bailable case.

(c) A sheriff shall guard a defendant permitted to remain out of jail under Subsection (b) to prevent escape.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2A.066. EXECUTION OF PROCESS BY COUNTY JAILER. (a) A jailer licensed under Chapter 1701, Occupations Code, who has successfully completed a training program provided by the sheriff

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

- (1) a warrant under Chapter 15, 17, or 18;
- (2) a capias under Chapter 17 or 23;
- (3) a subpoena under Chapter 20A or 24; or
- (4) an attachment under Chapter [20A](#) or [24](#).

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

- (1) a warrant under Chapter 15, 17, or 18;
- (2) a capias under Chapter 17 or 23;
- (3) a subpoena under Chapter 20A or 24; or
- (4) an attachment under Chapter [20A](#) or [24](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER C. ATTORNEYS REPRESENTING STATE

Art. 2A.101. GENERAL DUTIES OF ATTORNEYS REPRESENTING STATE.

(a) The primary duty of an attorney representing the state, including a special prosecutor, is not to convict but to see that justice is done.

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

(b) Unless prevented by other official duties, a district

attorney shall represent the state in any criminal proceeding before an examining court in the attorney's district or before a judge on habeas corpus, if the attorney is:

- (1) notified of the proceeding; and
- (2) in the attorney's district at the time.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

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

(c) The county attorney shall represent the state in the appeal of a case prosecuted by the county attorney.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

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

- (1) an attorney representing the state from any county or district; or
- (2) an assistant attorney general.

(c) An attorney representing the state who is not disqualified to act may request the court to permit the attorney's

recusal in a case for good cause, and on approval by the court, the attorney is disqualified.

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

(b) A district or county attorney may not:

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

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

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

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

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

(2) the act that violated the law or the neglect or failure of duty cannot be presented by information.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

(1) reduce the complaint to writing;

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

(3) attest the complaint; and

(4) as applicable:

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

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

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

(c) For purposes of fulfilling the duties under this article, a district or county attorney may administer oaths.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

(1) received a sentence that included imprisonment at

a facility operated by or under contract with the Texas Department of Criminal Justice; and

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

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

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

(b) An attorney representing the state shall track:

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

(2) any benefits offered or provided to a person in exchange for testimony described by Subdivision (1).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER D. MAGISTRATES AND CLERKS

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#), S.B. [251](#) and S.B. [2878](#), 89th Legislature, Regular Session, for amendments

affecting the following section.

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

- (1) a justice of the supreme court;
- (2) a judge of the court of criminal appeals;
- (3) a justice of the courts of appeals;
- (4) a judge of a district court;
- (5) an associate judge appointed by:

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

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

or

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

- (6) a criminal magistrate appointed by:

- (A) the Brazoria County Commissioners Court; or

- (B) the Burnet County Commissioners Court;

- (7) a criminal law hearing officer for:

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

- (B) Cameron County appointed under Subchapter [BB](#), Chapter [54](#), Government Code;

- (8) a magistrate appointed:

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

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

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

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

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

- (F) by the Collin County Commissioners Court; or

- (G) under Subchapter [JJ](#), Chapter [54](#), Government

Code;

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

(10) a county judge;

(11) a judge of:

(A) a statutory county court;

(B) a county criminal court; or

(C) a statutory probate court;

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

(13) a justice of the peace; and

(14) a mayor or recorder of a municipality or a judge of a municipal court.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

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

(3) cause the arrest of offenders using lawful means so that the offenders may be brought to punishment.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

(1) receive and file all papers;

(2) receive all exhibits at the conclusion of the

proceeding;

(3) issue all process;

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2A.154. DEPUTY CLERKS. A deputy clerk of a district or county court may perform any duty imposed on the clerk of that court.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#), 89th Legislature, Regular Session, for amendments affecting the following section.

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

(1) is not a firearm or contraband;

(2) has not been ordered by the court to be returned to

its owner; and

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

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

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

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

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

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

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

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

(1) describe the exhibit;

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

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

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

permitted by this article.

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

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

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

(2) the state treasury to the credit of the compensation to victims of crime fund established under Subchapter J, Chapter 56B.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

(1) the sheriff; or

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec.

1.001, eff. January 1, 2025.

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). Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 1610, 89th Legislature, Regular Session, for amendments affecting the following section.

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

- (1) assault under Section 22.01, Penal Code;
- (2) aggravated assault under Section 22.02, Penal Code;

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

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

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

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

(1) the name of each prisoner; and

(2) the authority under which the sheriff detains the prisoner.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 1620 and H.B. 1778, 89th Legislature, Regular Session, for amendments affecting the following section.

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

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

(2) the Department of Public Safety.

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

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

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

(A) the person's:

(i) age;

(ii) gender; and

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

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

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

offense;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) additional information to include in a report required by Subsection (b) or (c).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

(1) "Deadly weapon" means:

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

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

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

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

(1) the date the incident occurred;

(2) the location where the incident occurred;

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

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

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

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

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

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

request with one or more other peace officers; and

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

(A) the execution of a warrant; or

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

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

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

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

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

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

(3) a copy of each report submitted to the attorney general under this article.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

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

include spaces to report only the following information:

- (1) the date the incident occurred;
- (2) the location where the incident occurred;
- (3) the age, gender, and race or ethnicity of each injured or deceased peace officer involved in the incident;
- (4) if known, the age, gender, and race or ethnicity of each person who discharged a firearm and caused injury or death to a peace officer involved in the incident; and
- (5) whether the officer or any other person was injured or died as a result of the incident.

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

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

- (1) the total number of incidents that occurred;
- (2) a summary of the reports submitted to the attorney general under this article; and
- (3) a copy of each report submitted to the attorney general under this article.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2A.208. NOTICE OF VIOLATION OF REPORTING REQUIREMENTS FOR CERTAIN INJURIES OR DEATHS; CIVIL PENALTY. (a) The attorney general shall conduct an investigation after receiving a written and signed report, on a form prescribed by the attorney general, asserting that a law enforcement agency failed to submit a report required by Article [2A.206](#) or [2A.207](#). If the attorney general

determines that the law enforcement agency failed to submit the report, the attorney general shall provide notice of the failure to the agency. The notice must summarize the applicable reporting requirement and state that the agency may be subject to a civil penalty as provided by Subsection (b) or (c), as applicable.

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 1620, 89th Legislature, Regular Session, for amendments affecting the following section.

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

(a) In this article:

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

municipal court under Chapter 45.

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

(1) the date the attachment was issued;

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

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

(4) the statutory authority under which the attachment was issued.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

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

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

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

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.