

CODE OF CRIMINAL PROCEDURE
TITLE 1. CODE OF CRIMINAL PROCEDURE
CHAPTER 45A. JUSTICE AND MUNICIPAL COURTS

SUBCHAPTER A. GENERAL PROVISIONS

Text of article effective on January 01, 2025

Art. 45A.001. CHAPTER PURPOSE AND OBJECTIVES. (a) The purpose of this chapter is to establish procedures for processing cases under the criminal jurisdiction of the justice and municipal courts.

(b) This chapter is intended and shall be construed to achieve the following objectives:

(1) to provide fair notice and a meaningful opportunity to be heard to a person appearing in a criminal proceeding in a justice or municipal court;

(2) to ensure appropriate dignity in court procedure without undue formalism;

(3) to promote adherence to rules with sufficient flexibility to serve the ends of justice; and

(4) to process cases without unnecessary expense or delay.

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

Text of article effective on January 01, 2025

Art. 45A.002. DEFINITIONS. In this chapter:

(1) "Complaint" means a sworn allegation charging an accused person with the commission of an offense.

(2) "Cost" includes any fee, including a reimbursement fee, imposed on a defendant by a justice or judge, unless the context clearly indicates otherwise.

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

Text of article effective on January 01, 2025

Art. 45A.003. APPLICABILITY. (a) A criminal proceeding in a justice or municipal court shall be conducted in accordance with this chapter.

(b) If this chapter does not provide a rule of procedure governing an aspect of a case, the justice or judge shall apply the other general provisions of this code to the extent necessary to achieve the objectives of this chapter.

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

Text of article effective on January 01, 2025

Art. 45A.004. RULES OF EVIDENCE. The rules of evidence that apply to the trial of a criminal action in a district court apply to a criminal proceeding in a justice or municipal court.

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

Text of article effective on January 01, 2025

Art. 45A.005. PROSECUTING ATTORNEY. (a) A county or district attorney or a deputy county or district attorney shall conduct each prosecution in a justice court.

(b) Except as otherwise provided by law, a district attorney or a deputy district attorney with the consent of the county attorney may prosecute an appeal from a justice court.

(c) A municipal attorney or a deputy municipal attorney shall conduct each prosecution in a municipal court.

(d) The county attorney of the county in which a municipality is located may also represent the state in a prosecution in a municipal court in that municipality. The county attorney is not entitled to receive any fees or other compensation for representing the state in a prosecution described by this subsection.

(e) With the consent of the county attorney, a municipal attorney or a deputy municipal attorney may prosecute an appeal from a municipal court to a county court, county court at law, or appellate court.

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

Text of article effective on January 01, 2025

Art. 45A.006. GENERAL DUTIES OF MUNICIPAL ATTORNEYS. The primary duty of a municipal attorney is not to convict, but to see that justice is done.

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

SUBCHAPTER B. COURT RECORDS

Text of article effective on January 01, 2025

Art. 45A.051. ELECTRONIC RECORDS. (a) Notwithstanding any other law, a document issued or maintained by a justice or municipal court or a notice or a citation issued by a law enforcement officer may be created by electronic means, including:

- (1) optical imaging;
- (2) optical disk;
- (3) digital imaging; or

(4) another electronic reproduction technique that does not permit changes, additions, or deletions to the originally created document.

(b) A justice or municipal court may use electronic means to:

- (1) produce a document required by law to be written;
- (2) record an instrument, paper, or notice that is permitted or required by law to be recorded or filed; or
- (3) maintain a docket.

(c) Information in a docket may be processed and stored using electronic data processing equipment, at the discretion of the justice or judge.

(d) A justice or municipal court shall maintain original documents as provided by law.

(e) An electronically recorded judgment has the same force and effect as a written signed judgment.

(f) A record created by electronic means is an original record or a certification of the original record.

(g) A printed copy of an optical image of the original record printed from an optical disk system is an accurate copy of the original record.

(h) A statutory requirement that a document contain the signature of any person, including a judge, clerk of the court, or defendant, is satisfied if the document contains that signature as captured on an electronic device.

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

Text of article effective on January 01, 2025

Art. 45A.052. COURT SEAL. (a) A justice or municipal court shall have a court seal.

(b) The impression of the court seal must be:

(1) attached to all papers issued out of the justice or municipal court except subpoenas; and

(2) used to authenticate the official acts of the clerk and of the recorder.

(c) A court seal may be created by electronic means, including:

(1) optical imaging;

(2) optical disk; or

(3) another electronic reproduction technique that does not permit changes, additions, or deletions to an original document created by the same type of system.

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

Text of article effective on January 01, 2025

Art. 45A.053. DOCKET. The justice or judge of a justice or municipal court or, if directed by the justice or judge, the clerk of the court shall keep a docket containing the following information:

(1) the style and file number of each criminal action;

- (2) the nature of the offense charged;
- (3) the plea offered by the defendant and the date the plea was entered;
- (4) the date the warrant, if any, was issued and the return made on the warrant;
- (5) the date the examination or trial was held;
- (6) if a trial was held, whether it was by a jury or by the justice or judge;
- (7) the verdict of the jury, if any, and the date of the verdict;
- (8) the judgment and sentence of the court and the date each was entered;
- (9) the motion for new trial, if any, and the decision made on the motion; and
- (10) whether an appeal was taken and the date of that action.

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

Text of article effective on January 01, 2025

Art. 45A.054. FILING BY MAIL. (a) Notwithstanding any other law, for purposes of this chapter, a document is considered timely filed with the clerk of a justice or municipal court if:

- (1) the document is deposited with the United States Postal Service in a first class postage prepaid envelope properly addressed to the clerk on or before the date the document is required to be filed with the clerk; and

- (2) the clerk receives the document not later than the 10th day after the date the document is required to be filed with the clerk.

(b) A legible postmark affixed by the United States Postal Service is prima facie evidence of the date the document is deposited with the United States Postal Service.

(c) In this article, "day" does not include Saturday, Sunday, or a legal holiday.

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

Text of article effective on January 01, 2025

Art. 45A.055. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY MISDEMEANORS. (a) Except as provided by Subsections (b) and (c), following the fifth anniversary of the date of a final conviction of, or of a dismissal after deferral of disposition for, a misdemeanor offense punishable by fine only, all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, that are held or stored by or for a justice or municipal court and relate to the person who was convicted of, or who received a dismissal after deferral of disposition for, the offense are confidential and may not be disclosed to the public.

(b) Records, files, and information subject to Subsection (a) may be open to inspection only:

- (1) by a judge or court staff;
- (2) by a criminal justice agency for a criminal justice purpose, as those terms are defined by Section [411.082](#), Government Code;
- (3) by the Department of Public Safety;
- (4) by the attorney representing the state;
- (5) by the defendant or the defendant's counsel;
- (6) if the offense is a traffic offense, by an insurance company or surety company authorized to write motor vehicle liability insurance in this state; or
- (7) for the purpose of complying with a requirement under federal law, including a disclosure that is required as a condition of receiving federal highway funds.

(c) This article does not apply to records, files, and information described by Subsection (a) that relate to an offense that is sexual in nature, as determined by the holder of the records, files, or information.

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

SUBCHAPTER C. PRETRIAL PROCEEDINGS

Text of article effective on January 01, 2025

Art. 45A.101. COMPLAINT. (a) A complaint is sufficient, without regard to form, if the complaint substantially satisfies the following requirements:

- (1) is in writing;
- (2) begins with "In the name and by the authority of the State of Texas";
- (3) either:
 - (A) states the name of the accused person; or
 - (B) if the name of the accused person is unknown, includes a reasonably definite description of the accused person;
- (4) either:
 - (A) shows that the accused person has committed an offense against the law of this state; or
 - (B) states that the affiant has good reason to believe and does believe that the accused person has committed an offense against the law of this state;
- (5) states the date the offense was committed as definitely as the affiant is able to provide;
- (6) bears the signature or mark of the affiant; and
- (7) concludes with the words "Against the peace and dignity of the State."

(b) If the offense charged is an offense under a municipal ordinance only, the complaint may also conclude with the words "Contrary to the said ordinance."

- (c) A complaint must allege that the offense was committed:
- (1) in the county in which the complaint is made, if filed in justice court; or
 - (2) in the territorial limits of the municipality in which the complaint is made, if filed in municipal court.

(d) A complaint may be sworn to before any officer authorized to administer oaths.

- (e) A complaint in a municipal court may be sworn to before:
- (1) the municipal judge;
 - (2) the clerk of the court or a deputy clerk;
 - (3) the municipal secretary; or
 - (4) the municipal attorney or a deputy municipal

attorney.

(f) In a county with a population of more than two million that does not have a county attorney, a complaint for an offense under Section 32.41, Penal Code, must be approved by the district attorney, regardless of whether a collection proceeding is initiated by the district attorney under Subsection (e) of that section.

(g) A defendant is entitled to notice of a complaint against the defendant not later than the day before the date of any proceeding in the prosecution of the defendant under the complaint. The defendant may waive the right to notice granted by this subsection.

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

Text of article effective on January 01, 2025

Art. 45A.102. OBJECTION TO CHARGING INSTRUMENT. If the defendant does not object to a defect, error, or irregularity of form or substance in a charging instrument before the date the trial on the merits begins, the defendant waives and forfeits the right to object to the defect, error, or irregularity. This article does not prohibit a trial court from requiring that an objection to a charging instrument be made at an earlier time.

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

Text of article effective on January 01, 2025

Art. 45A.103. SERVICE OF PROCESS FOR MUNICIPAL COURT.

(a) All process issued by a municipal court:

(1) may be served by a peace officer or marshal of the municipality in which the court is located; and

(2) shall be served by a peace officer or marshal described by Subdivision (1) if directed by the court.

(b) Process must be served under Subsection (a) in accordance with the law governing a sheriff's or constable's service of process issued by a justice court, as applicable.

(c) A peace officer or marshal of a municipality may serve process issued by a municipal court in that municipality anywhere in the county or counties in which the municipality is located. Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 45A.104. ARREST WARRANT. (a) If a sworn complaint or affidavit based on probable cause has been filed before a justice or municipal court, the justice or judge may issue a warrant for the arrest of the defendant and deliver the warrant to the proper officer to be executed.

(b) A warrant is sufficient if the warrant:

- (1) is issued in the name of "The State of Texas";
- (2) is directed to the proper peace officer or other person specifically named in the warrant;
- (3) includes a command that the defendant be taken, and brought before the authority issuing the warrant, at the time and place stated in the warrant;
- (4) either:
 - (A) states the defendant's name; or
 - (B) if the defendant's name is not known, describes the defendant as provided in the complaint;
- (5) states that the defendant is accused of an offense against the law of this state, naming the offense; and
- (6) is signed by the justice or judge, naming the office of the justice or judge either in the body of the warrant or in connection with the signature of the justice or judge.

(c) Except as inconsistent or in conflict with this chapter, Chapter 15 applies to a warrant of arrest issued under this article.

(d) In a county with a population of more than two million that does not have a county attorney, a justice or judge may not issue a warrant under this article for an offense under Section 32.41, Penal Code, unless the district attorney has approved the complaint or affidavit on which the warrant is based.

(e) A justice or judge may not issue an arrest warrant for the defendant's failure to appear at the initial court setting,

including failure to appear as required by a citation issued under Article 14.06(b), unless:

(1) the justice or judge provides by telephone or regular mail to the defendant notice that includes:

(A) a date and time, occurring within the 30-day period following the date that notice is provided, when the defendant must appear before the justice or judge;

(B) the name and address of the court with jurisdiction in the case;

(C) information regarding alternatives to the full payment of any fines or costs owed by the defendant, if the defendant is unable to pay that amount;

(D) a statement that the defendant may be entitled to a credit toward any fines or costs owed by the defendant if the defendant was confined in jail or prison after the commission of the offense for which the notice is given; and

(E) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and

(2) the defendant fails to appear before the justice or judge as required by this article.

(f) A defendant who receives notice under Subsection (e) may request an alternative date or time to appear before the justice or judge if the defendant is unable to appear on the date and time included in the notice.

(g) A justice or judge shall recall an arrest warrant for the defendant's failure to appear if the defendant voluntarily appears and makes a good faith effort to resolve the arrest warrant before the warrant is executed.

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

Text of article effective on January 01, 2025

Art. 45A.105. ARREST WARRANT WITHOUT COMPLAINT. If a criminal offense that a justice of the peace has jurisdiction to try is committed within the view of the justice, the justice may issue a warrant for the arrest of the offender.

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

Text of article effective on January 01, 2025

Art. 45A.106. DEFENDANT PLACED IN JAIL. If a peace officer is authorized by this title to retain a defendant in custody, the officer may place the defendant in jail in accordance with this code or other law.

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

Text of article effective on January 01, 2025

Art. 45A.107. BAIL. (a) A justice or judge may require a defendant to give a personal bond to secure the defendant's appearance in accordance with this code.

(b) A justice or judge may not, either instead of or in addition to the personal bond, require a defendant to give a bail bond unless:

(1) the defendant fails to appear in accordance with this code with respect to the applicable offense; and

(2) the justice or judge determines that:

(A) the defendant has sufficient resources or income to give a bail bond; and

(B) a bail bond is necessary to secure the defendant's appearance in accordance with this code.

(c) If a defendant required to give a bail bond in accordance with Subsection (b) does not give the bail bond within 48 hours after the issuance of the applicable order, the justice or judge:

(1) shall reconsider the requirement for the defendant to give the bail bond and presume that the defendant does not have sufficient resources or income to give the bond; and

(2) may require the defendant to give a personal bond.

(d) A defendant may be held in custody if the defendant:

(1) refuses to give a personal bond; or

(2) except as provided by Subsection (c), refuses or

otherwise fails to give a bail bond.

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

Text of article effective on January 01, 2025

Art. 45A.108. FELONY OFFENSE COMMITTED IN ANOTHER COUNTY. If a complaint is made before a justice of the peace that a felony has been committed in a county other than the county in which the complaint is made, the justice shall issue a warrant for the arrest of the defendant, directed as provided in other cases, commanding that the defendant be arrested and taken before a magistrate of the county in which the felony is alleged to have been committed, immediately, for examination as provided in other cases. Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER D. TRIAL

Text of article effective on January 01, 2025

Art. 45A.151. DEFENDANT'S PLEA. (a) A pleading of a defendant in a justice or municipal court may be oral or in writing as directed by the court.

(b) After a jury is impaneled, or after the defendant has waived trial by jury, the defendant may enter:

(1) a plea of guilty, not guilty, or nolo contendere;
or

(2) a special plea of double jeopardy as described by Article 27.05.

(c) If a defendant is detained in jail before trial, the justice or judge may permit the defendant to enter any of the pleas described by Subsection (b).

(d) If a defendant is charged with an offense involving family violence, as defined by Section 71.004, Family Code, the justice or judge must take the defendant's plea in open court.

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

Text of article effective on January 01, 2025

Art. 45A.152. DEFENDANT'S REFUSAL TO PLEAD. If a defendant refuses to plead, the justice or judge shall enter a plea of not guilty.

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

Text of article effective on January 01, 2025

Art. 45A.153. PLEA OF GUILTY OR NOLO CONTENDERE GENERALLY.

(a) On the entry of a plea of guilty or nolo contendere, the justice or municipal court may hear proof regarding the offense and assess the punishment.

(b) A justice or judge may not accept a plea of guilty or nolo contendere from a defendant in open court unless it appears to the justice or judge that the defendant is mentally competent and the plea is free and voluntary.

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

Text of article effective on January 01, 2025

Art. 45A.154. PLEA OF GUILTY OR NOLO CONTENDERE BY DEFENDANT IN JAIL. (a) If a defendant who is detained in jail enters a plea of guilty or nolo contendere, the justice or judge may, after complying with Article 15.17 and advising the defendant of the defendant's right to trial by jury, as appropriate:

- (1) accept the defendant's plea;
- (2) assess a fine, determine costs, and accept payment of the fine and costs;
- (3) give the defendant credit for time served;
- (4) determine whether the defendant is indigent; or
- (5) discharge the defendant.

(b) Notwithstanding Article 45A.201(a), following a plea of guilty or nolo contendere entered by a defendant detained in jail, a motion for new trial must be made not later than the 10th day after the imposition of judgment and sentence. The justice or judge shall

grant a motion for new trial made under this subsection.

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

Text of article effective on January 01, 2025

Art. 45A.155. JURY WAIVER. (a) A defendant may waive a trial by jury in writing.

(b) If a defendant waives a trial by jury, the justice or judge shall hear and determine the case without a jury.

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

Text of article effective on January 01, 2025

Art. 45A.156. JURY SUMMONED. (a) If a defendant does not waive a trial by jury, the justice or judge shall issue a writ commanding the proper officer to summon a venire from which six qualified persons shall be selected to serve as jurors in the case.

(b) Jurors summoned as provided by Subsection (a) shall remain in attendance, as jurors in all cases that may come up for hearing, until discharged by the justice or municipal court.

(c) A person summoned as provided by Subsection (a) who fails to attend may be fined an amount not to exceed \$100 for contempt.

(d) If a sufficient number of jurors are not in attendance as a result of challenges or any other reason, the justice or judge shall order the proper officer to summon a sufficient number of qualified persons to form the jury.

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

Text of article effective on January 01, 2025

Art. 45A.157. FAILURE TO APPEAR FOR JURY TRIAL. (a) A justice or municipal court may order a defendant who does not waive a jury trial in a justice or municipal court and who fails to appear for the trial to pay a reimbursement fee for the costs incurred for impaneling the jury.

(b) The justice or municipal court for good cause may release a defendant from the obligation to pay the reimbursement fee under this article.

(c) An order issued by a justice or municipal court under this article may be enforced by contempt as provided by Section [21.002\(c\)](#), Government Code.

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

Text of article effective on January 01, 2025

Art. 45A.158. ATTORNEY REPRESENTING STATE NOT PRESENT FOR TRIAL. If an attorney representing the state is not present when the case is called for trial, the justice or judge may:

(1) postpone the trial to a specified date;

(2) appoint an attorney pro tem as provided by this code to represent the state; or

(3) proceed to trial.

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

Text of article effective on January 01, 2025

Art. 45A.159. JURY SELECTION AND FORMATION. (a) In a jury trial in a justice or municipal court, the state, and each defendant in the case, is entitled to three peremptory challenges.

(b) The justice or judge shall form the jury and administer the appropriate oath in accordance with Chapter [35](#).

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

Text of article effective on January 01, 2025

Art. 45A.160. DEFENDANT'S RIGHT TO ATTORNEY. The defendant has a right to appear by an attorney as in all other cases.

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

Text of article effective on January 01, 2025

Art. 45A.161. ORDER OF ARGUMENT. The attorney representing the state may open and conclude the argument in the case.
Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 45A.162. DIRECTED VERDICT. If, on the trial of a case in a justice or municipal court, the state fails to prove a prima facie case of the offense alleged in the complaint, the defendant is entitled to a directed verdict of not guilty.
Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 45A.163. JURY CHARGE. (a) The judge shall charge the jury.
(b) The charge may be made orally or in writing, except that the charge shall be made in writing if required by other law.
Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 45A.164. JURY KEPT TOGETHER DURING DELIBERATION. When the case is submitted to the jury, the jury shall retire in the charge of an officer and be kept together until:
(1) the jury agrees to a verdict;
(2) the jury is discharged; or
(3) the court recesses.

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

Text of article effective on January 01, 2025

Art. 45A.165. MISTRIAL. (a) A justice or municipal court shall discharge a jury if the jury fails to agree to a verdict after

being kept together a reasonable period.

(b) If a jury is discharged under Subsection (a), the justice or judge may impanel another jury as soon as practicable to try the case.

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

Text of article effective on January 01, 2025

Art. 45A.166. VERDICT. (a) When the jury has agreed on a verdict, the jury shall bring the verdict into court.

(b) The justice or judge shall ensure that the verdict is in the proper form and impose the proper judgment and sentence on the verdict.

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

SUBCHAPTER E. NEW TRIAL AND APPEAL

Text of article effective on January 01, 2025

Art. 45A.201. NEW TRIAL. (a) A motion for a new trial must be made not later than the fifth day after the imposition of judgment and sentence.

(b) Subject to Subsection (e), not later than the 10th day after the date that the judgment is entered, a justice or judge may grant the defendant a new trial for good cause shown if the justice or judge considers that justice has not been done the defendant in the trial of the case.

(c) If a motion for a new trial is not granted before the 11th day after the date that the judgment is entered, the motion is considered denied.

(d) If a new trial is granted, the justice or judge shall proceed to try the case again as soon as practicable.

(e) A defendant may be granted not more than one new trial in the same case.

(f) The state is not entitled to a new trial in any case.

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

1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 45A.202. APPEAL. (a) An appeal from a justice or municipal court, including an appeal from a final judgment in a bond forfeiture proceeding, shall be heard by the county court or, if the county court has no jurisdiction over the case, the proper court in the county.

(b) A de novo trial shall be held on appeal unless the appeal is:

(1) taken from a municipal court of record; and

(2) based on error reflected in the record.

(c) An appeal may not be dismissed because of:

(1) the defendant's failure to give notice of appeal in open court; or

(2) the presence of a defect in the transcript.

(d) In an appeal from the judgment and sentence of a justice or municipal court, if the defendant is in custody, the defendant shall be committed to jail unless the defendant is released on bail.

(e) If the court that issued the judgment and sentence being appealed is in session, the court must approve the bail.

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

Text of article effective on January 01, 2025

Art. 45A.203. APPEAL BOND. (a) An appeal is perfected when the appeal bond has been filed:

(1) with the justice or judge who tried the case; and

(2) not later than the 10th day after the date the judgment was entered.

(b) If an appeal bond is not timely filed, the appellate court does not have jurisdiction over the case and shall remand the case to the justice or municipal court for execution of the sentence.

(c) The amount of an appeal bond may not be less than the greater of:

(1) twice the amount of the fine and costs adjudged against the defendant; or

(2) \$50.

(d) If an appeal bond otherwise meets the requirements of this code, the court, without requiring a court appearance by the defendant, shall approve the appeal bond in the amount the court notified the defendant would be approved under Article 27.14(b).

(e) An appeal bond must be made payable to the State of Texas and must:

(1) state that the defendant was convicted in the case and has appealed; and

(2) be conditioned on the defendant:

(A) making a personal appearance before the court to which the appeal is taken:

(i) immediately, if the court is in session; or

(ii) if the court is not in session, at the next regular term of the court, provided that the bond states the time and place of that session; and

(B) remaining at the court from day to day and term to term to answer in the case.

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

Text of article effective on January 01, 2025

Art. 45A.204. EFFECT OF APPEAL. All further proceedings in the case in the justice or municipal court must cease when a defendant files the appeal bond required by law with the justice or municipal court.

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

SUBCHAPTER F. JUDGMENT, FINES, AND COSTS

Text of article effective on January 01, 2025

Art. 45A.251. JUDGMENT. (a) The judgment and sentence for

a conviction in a criminal action before a justice or judge is that the defendant pay the amount of the fine and costs to the state.

(b) Subject to Articles [45A.253](#)(a) and (b) and Article [45A.257](#), the justice or judge may direct the defendant:

(1) to pay:

(A) the entire fine and costs when the sentence is pronounced;

(B) the entire fine and costs at a later date; or

(C) a specified portion of the fine and costs at designated intervals;

(2) if applicable, to make restitution to a victim of the offense; and

(3) to satisfy any other sanction authorized by law.

(c) Restitution made under Subsection (b)(2) may not exceed \$5,000 for an offense under Section [32.41](#), Penal Code.

(d) The justice or judge shall credit the defendant for time served in jail as provided by Article [42.03](#). The credit under this subsection shall be applied to the amount of the fine and costs at the rate provided by Article [45A.262](#).

(e) In addition to credit under Subsection (d), in imposing a fine and costs in a case involving a misdemeanor punishable by fine only, the justice or judge shall credit the defendant for any period the defendant was confined in jail or prison while serving a sentence for another offense if that confinement occurred after the commission of the misdemeanor. The credit under this subsection shall be applied to the amount of the fine and costs at the rate of not less than \$150 for each day of confinement.

(f) All judgments, sentences, and final orders of the justice or judge shall be imposed in open court.

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

Text of article effective on January 01, 2025

Art. 45A.252. SUFFICIENCY OF RESOURCES TO PAY FINES OR COSTS. (a) Notwithstanding any other provision of this article, Article [45A.251](#), or Article [45A.253](#), during or immediately after imposing a sentence in a case in which the defendant entered a plea

in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs.

(b) If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:

(1) subject to Article 45A.253(a), required to be paid at a later date or in a specified portion at designated intervals;

(2) discharged by performing community service under, as applicable, Article 45A.254, 45A.459, or 45A.460;

(3) waived in full or in part under Article 45A.257; or

(4) satisfied through any combination of methods under Subdivision (1), (2), or (3).

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

Text of article effective on January 01, 2025

Art. 45A.253. DISCHARGING FINES OR COSTS. (a) In imposing a fine and costs, the justice or judge shall allow the defendant to pay the fine and costs in specified portions at designated intervals if the justice or judge determines that the defendant is unable to immediately pay the fine and costs.

(b) A judge may allow a defendant who is a child, as defined by Article 45A.453(a), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

(1) performing community service or receiving tutoring under Article 45A.460, regardless of whether the applicable offense occurred at a location specified by Subsection (a) of that article; or

(2) paying the fine and costs in a manner described by Article 45A.251(b).

(c) The defendant must make the election under Subsection (b) in writing. The defendant and, if present, the defendant's parent, guardian, or managing conservator must sign the

election. The court shall maintain the written election as a record of the court and provide a copy to the defendant.

(d) Notwithstanding Article 45A.252 or any other provision of this chapter, in imposing a fine and costs, the justice or judge may not require a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care as provided by Subchapter G, Chapter 263, Family Code, to pay any amount of the fine and costs. In lieu of the payment of fine and costs, the justice or judge may require the defendant to perform community service as provided by Article 45A.254, 45A.459, or 45A.460, as appropriate.

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

Text of article effective on January 01, 2025

Art. 45A.254. COMMUNITY SERVICE TO SATISFY FINES OR COSTS.

(a) A justice or judge may require a defendant who fails to pay a previously assessed fine or cost, or who is determined by the court to have insufficient resources or income to pay a fine or cost, to discharge all or part of the fine or cost by performing community service.

(b) An order requiring a defendant to perform community service under this article must specify:

(1) the number of hours of community service the defendant is required to perform; and

(2) the date by which the defendant must submit to the court documentation verifying that the defendant completed the community service.

(c) The justice or judge may order the defendant to perform community service under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program; or

(G) any similar activity; or

(2) for:

(A) a governmental entity;

(B) a nonprofit organization or another organization that provides to the general public services that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(d) A justice or judge may not order a defendant to perform more than 16 hours each week of community service under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's dependents.

(e) A defendant is considered to have discharged not less than \$100 of fines or costs for each eight hours of community service performed under this article.

(f) A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.

(g) A community supervision and corrections department or a court-related services office may provide the administrative and other services necessary to supervise a defendant required to perform community service under this article.

(h) An entity that accepts a defendant to perform community service under this article must agree to:

(1) supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and

(2) report on the defendant's community service to the justice or judge who ordered the service.

(i) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a

defendant to perform community service under this article is not liable for damages arising from an act or failure to act in connection with the community service if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

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

Text of article effective on January 01, 2025

Art. 45A.255. COMMUNITY SERVICE IN CERTAIN CASES INVOLVING DEFERRED DISPOSITION. (a) This article applies only to a defendant who is a resident of this state and who is charged with:

(1) a traffic offense; or

(2) an offense under Section 106.05, Alcoholic Beverage Code.

(b) If under Article 45A.303(b)(10) the judge requires a defendant described by Subsection (a) to perform community service as a condition of the deferral, the defendant is entitled to elect whether to perform the required service in the county in which:

(1) the court is located; or

(2) the defendant resides, but only if the applicable entity agrees to:

(A) supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and

(B) report to the court on the defendant's community service.

(c) If a defendant described by Subsection (a)(2) elects to perform the required community service in the county in which the defendant resides under Subsection (b)(2), the community service must comply with Sections 106.071(d) and (e), Alcoholic Beverage Code, except that if the educational programs or services described by Section 106.071(e) are not available in the county of the defendant's residence, the court may order community service that the court considers appropriate for rehabilitative purposes.

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

Text of article effective on January 01, 2025

Art. 45A.256. FORFEITURE OF CASH BOND TO SATISFY FINES AND COSTS; MOTION FOR NEW TRIAL. (a) A justice or judge may enter a judgment of conviction and forfeit a cash bond posted by the defendant to satisfy the defendant's fine and costs if the defendant:

(1) has entered a written and signed plea of nolo contendere and a waiver of jury trial; and

(2) fails to appear according to the conditions of the defendant's release.

(b) A justice or judge who enters a judgment of conviction and forfeiture of bond under Subsection (a) shall immediately notify the defendant in writing, by regular mail addressed to the defendant at the defendant's last known address, that:

(1) a judgment of conviction and forfeiture of bond was entered against the defendant on a specified date and the forfeiture satisfies the defendant's fine and costs in the case; and

(2) the defendant has a right to a new trial in the case if the defendant applies for the new trial not later than the 10th day after the date of judgment and forfeiture.

(c) Notwithstanding Article 45A.201, the defendant may file a motion for a new trial within the period provided by Subsection (b), and the court shall grant the motion if the motion is made within that period. On the new trial, the court shall permit the defendant to withdraw the previously entered plea of nolo contendere and waiver of jury trial.

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

Text of article effective on January 01, 2025

Art. 45A.257. WAIVER OF PAYMENT OF FINES AND COSTS. (a) A municipal court, regardless of whether the court is a court of

record, or a justice court may waive payment of all or part of a fine imposed on a defendant if the court determines that:

(1) the defendant:

(A) is indigent or does not have sufficient resources or income to pay all or part of the fine; or

(B) was, at the time the offense was committed, a child as defined by Article 45A.453(a); and

(2) discharging the fine under Article 45A.254 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

(b) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of the costs imposed on a defendant if the court determines that the defendant:

(1) is indigent or does not have sufficient resources or income to pay all or part of the costs; or

(2) was, at the time the offense was committed, a child as defined by Article 45A.453(a).

(c) A defendant is presumed to be indigent or to not have sufficient resources or income to pay all or part of the fines or costs for purposes of Subsection (a) or (b) if the defendant:

(1) is in the conservatorship of the Department of Family and Protective Services, or was in the conservatorship of that department at the time of the offense; or

(2) is designated, or was designated at the time of the offense, as a homeless child or youth or an unaccompanied youth, as those terms are defined by 42 U.S.C. Section 11434a.

(d) A determination of undue hardship made under Subsection (a)(2) is in the court's discretion. In making that determination, the court may consider, as applicable, the defendant's:

(1) significant physical or mental impairment or disability;

(2) pregnancy and childbirth;

(3) substantial family commitments or responsibilities, including child or dependent care;

(4) work responsibilities and hours;

(5) transportation limitations;

(6) homelessness or housing insecurity; and

(7) any other factor the court determines relevant.

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

Text of article effective on January 01, 2025

Art. 45A.258. RECONSIDERATION OF SATISFACTION OF FINES OR COSTS. (a) If the defendant notifies the justice or judge that the defendant has difficulty paying the fine and costs in compliance with the judgment, the justice or judge shall hold a hearing to determine whether the judgment imposes an undue hardship on the defendant.

(b) For purposes of Subsection (a), a defendant may notify the justice or judge by:

(1) voluntarily appearing and informing the justice or judge or the clerk of the court in the manner established by the justice or judge for that purpose;

(2) filing a motion with the justice or judge;

(3) mailing a letter to the justice or judge; or

(4) any other method established by the justice or judge for that purpose.

(c) If the justice or judge determines at a hearing under Subsection (a) that the judgment imposes an undue hardship on the defendant, the justice or judge shall consider whether to allow the defendant to satisfy the fine and costs through one or more methods listed under Article [45A.252](#).

(d) The justice or judge may decline to hold a hearing under Subsection (a) if the justice or judge:

(1) previously held a hearing under that subsection with respect to the case and is able to determine without holding a hearing that the judgment does not impose an undue hardship on the defendant; or

(2) is able to determine without holding a hearing that:

(A) the judgment imposes an undue hardship on the defendant; and

(B) the fine and costs should be satisfied

through one or more methods listed under Article [45A.252](#).

(e) The justice or judge retains jurisdiction for the purpose of making a determination under this article.

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

Text of article effective on January 01, 2025

Art. 45A.259. CAPIAS PRO FINE. (a) If the defendant is not in custody when the judgment is imposed or if the defendant fails to satisfy the judgment according to the terms of the judgment, the court may order a capias pro fine, as defined by Article [43.015](#), issued for the defendant's arrest.

(b) The capias pro fine ordered under Subsection (a) must:

(1) state the amount of the judgment and sentence; and

(2) command the appropriate peace officer to:

(A) bring the defendant before the court immediately; or

(B) place the defendant in jail until the first business day following the date of the defendant's arrest if the defendant cannot be brought before the court immediately.

(c) If the court that issued the capias pro fine is unavailable, the arresting officer may, in lieu of placing the defendant in jail, take the defendant to:

(1) a justice court or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located in the same county, if the court that issued the capias pro fine was a justice court; or

(2) a municipal court that is located in the same municipality, if the court that issued the capias pro fine was a municipal court.

(d) The court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to the terms of the judgment unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant and the defendant fails to:

(1) appear at the hearing; or

(2) comply with an order issued under Subsection (f)

as a result of the hearing.

(e) If the justice or judge determines at the hearing under Subsection (d) that the judgment imposes an undue hardship on the defendant, the justice or judge shall determine whether the fine and costs should be satisfied through one or more methods listed under Article [45A.252](#). The justice or judge retains jurisdiction for the purpose of making a determination under this subsection.

(f) If the justice or judge determines at the hearing under Subsection (d) that the judgment does not impose an undue hardship on the defendant, the justice or judge shall order the defendant to comply with the judgment not later than the 30th day after the date that determination is made.

(g) The court shall recall a *capias pro fine* if, before the *capias pro fine* is executed, the defendant:

(1) provides notice to the justice or judge under Article [45A.258](#) and a hearing is set under that article; or

(2) voluntarily appears and makes a good faith effort to resolve the *capias pro fine*.

(h) A *capias pro fine* may not be issued for a person convicted for an offense committed before the person's 17th birthday unless:

(1) the person is 17 years of age or older;

(2) the court finds that the issuance of the *capias pro fine* is justified after considering:

(A) the sophistication and maturity of the person;

(B) the criminal record and history of the person; and

(C) the reasonable likelihood of bringing about the discharge of the judgment through the use of procedures and services currently available to the court; and

(3) the court has proceeded under Article [45A.461](#) to compel the person to discharge the judgment.

(i) This article does not limit the authority of a court to order a child taken into custody under Article [45A.453](#) or [45A.455](#).

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

Text of article effective on January 01, 2025

Art. 45A.260. APPEARANCE BY TELEPHONE OR VIDEOCONFERENCE. If the justice or judge determines that requiring a defendant to appear before the justice or judge in person for a hearing under Article 45A.258 or 45A.259 would impose an undue hardship on the defendant, the justice or judge may allow the defendant to appear by telephone or videoconference.

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

Text of article effective on January 01, 2025

Art. 45A.261. COMMITMENT. (a) If a judgment and sentence have been entered against a defendant and the defendant defaults in the discharge of the judgment, the judge may order the defendant confined in jail until discharged by law if the judge at a hearing makes a written determination that:

(1) the defendant is not indigent and has failed to make a good faith effort to discharge the fines or costs; or

(2) the defendant is indigent and:

(A) has failed to make a good faith effort to discharge the fines or costs under Article 45A.254; and

(B) could have discharged the fines or costs under Article 45A.254 without experiencing any undue hardship.

(b) A certified copy of the judgment, sentence, and order is sufficient to authorize confinement under Subsection (a).

(c) For purposes of a hearing described by Subsection (a), a defendant may be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court. For purposes of this subsection, "electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

(d) For purposes of a hearing described by Subsection (a), if the court that issued the *capias pro fine* is unavailable, the following may conduct the hearing:

(1) a justice court or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located in the same county as the issuing court, if the issuing court was a justice court; or

(2) a municipal court that is located in the same municipality as the issuing court, if the issuing court was a municipal court.

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

Text of article effective on January 01, 2025

Art. 45A.262. DISCHARGED FROM JAIL. (a) A defendant placed in jail due to failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:

(1) is indigent and cannot pay the fine and costs; or

(2) has remained in jail for a cumulative period that is sufficient to satisfy the fine and costs, at the rate of not less than \$150 for each separate period served, as specified by the convicting court in the judgment in the case.

(b) A convicting court may specify a period that is not less than eight hours or more than 24 hours as the period for which a defendant who fails to pay the fine and costs in the case must remain in jail to satisfy \$150 of the fine and costs.

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

Text of article effective on January 01, 2025

Art. 45A.263. CIVIL COLLECTION OF FINES AND COSTS AFTER JUDGMENT. If, after a judgment and sentence is entered, the defendant defaults in payment of a fine, the justice or judge may order the fine and costs collected by execution against the defendant's property in the same manner as a judgment in a civil suit.

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

Text of article effective on January 01, 2025

Art. 45A.264. COLLECTION OF FINES AND COSTS BY MUNICIPALITY. (a) The governing body of each municipality shall by ordinance prescribe rules as proper to enforce the collection of fines imposed by a municipal court.

(b) In addition to any other method of enforcement, the municipality may enforce the collection of fines by:

(1) execution against the property of the defendant;
or

(2) confinement of the defendant.

(c) The governing body of a municipality may adopt rules concerning the practice and procedure in the municipal court that the governing body considers proper.

(d) After notice, the governing body of a municipality may by ordinance prescribe the collection of a fine not to exceed \$25 for an offense under Section 38.10(e), Penal Code, or Section 543.009, Transportation Code. Money collected from the fine shall be paid into the municipal treasury for the use and benefit of the municipality.

(e) Costs may not be imposed or collected in criminal cases in municipal court by municipal ordinance.

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

SUBCHAPTER G. DEFERRED DISPOSITION

Text of article effective on January 01, 2025

Art. 45A.301. APPLICABILITY. This subchapter does not apply to:

(1) an offense to which Section 542.404, Transportation Code, applies; or

(2) a violation of a state law or local ordinance relating to motor vehicle control, other than a parking violation, committed by a person who:

(A) holds a commercial driver's license; or

(B) held a commercial driver's license when the offense was committed.

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

Text of article effective on January 01, 2025

Art. 45A.302. DEFERRED DISPOSITION. (a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, a judge may defer further proceedings for a period not to exceed 180 days without entering an adjudication of guilt.

(b) In issuing the order of deferral, the judge may impose a fine on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense.

(c) The fine described by Subsection (b) may be collected at any time before the date on which the period of deferral ends. A judge who orders the collection of the fine must require that the amount of the fine be credited toward the payment of the amount of any fine imposed by the judge as punishment for the offense.

(d) The judge may elect not to impose the fine for good cause shown by the defendant.

(e) An order of deferral under this article terminates any liability under a bond given for the charge.

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

Text of article effective on January 01, 2025

Art. 45A.303. DEFERRED DISPOSITION REQUIREMENTS.

(a) Notwithstanding any other law, as an alternative to requiring a defendant charged with one or more offenses to pay all fines and court costs as required by Article 45A.302, the judge may:

(1) allow the defendant to enter into an agreement to pay those fines and costs in installments during the defendant's period of deferral;

(2) require an eligible defendant to discharge all or part of those fines and costs by performing community service or attending a tutoring program under Article 45A.254 or 45A.460;

(3) waive all or part of those fines and costs under Article [45A.257](#); or

(4) take any combination of actions authorized by Subdivision (1), (2), or (3).

(b) During the deferral period, the judge may require the defendant to:

(1) secure payment of the fine by posting a bond in the amount of the fine assessed as punishment for the offense;

(2) pay restitution to the victim of the offense in an amount not to exceed the amount of the fine assessed as punishment for the offense;

(3) submit to professional counseling;

(4) submit to diagnostic testing for alcohol or a controlled substance or drug;

(5) submit to a psychosocial assessment;

(6) successfully complete an alcohol or drug abuse treatment or education program, such as:

(A) a drug education program that is designed to educate persons on the dangers of drug abuse in accordance with Section [521.374\(a\)\(1\)](#), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter [171](#), Government Code; or

(B) an alcohol awareness program described by Section [106.115](#), Alcoholic Beverage Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter [171](#), Government Code;

(7) pay the costs of any diagnostic testing, psychosocial assessment, or treatment or education program participation as reimbursement fees:

(A) directly; or

(B) through the court as court costs;

(8) complete a driving safety course approved under Chapter [1001](#), Education Code, or another course as directed by the judge;

(9) present to the court satisfactory evidence that the defendant has complied with each requirement imposed by the judge under this subchapter; and

(10) comply with any other reasonable condition.

(c) A judge who requires a defendant to successfully complete an alcohol awareness program or drug education program as described by Subsection (b)(6) shall require the defendant to pay a reimbursement fee for the cost of the program, unless the judge determines that the defendant is indigent and unable to pay the cost.

(d) The judge may allow the defendant to pay the fee described by Subsection (c) in installments during the deferral period.

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

Text of article effective on January 01, 2025

Art. 45A.304. DEFERRED DISPOSITION REQUIREMENTS: MOVING VIOLATION COMMITTED BY YOUNG DEFENDANT. (a) This article applies to a defendant who:

(1) is younger than 25 years of age; and

(2) committed a traffic offense classified as a moving violation.

(b) Notwithstanding Article 45A.303(b)(8), during a deferral period ordered under this subchapter, the judge shall require that a defendant described by Subsection (a):

(1) complete a driving safety course approved under Chapter 1001, Education Code; and

(2) if the defendant holds a provisional license, be examined by the Department of Public Safety as required by Section 521.161(b)(2), Transportation Code.

(c) A defendant remains subject to the examination required by Subsection (b)(2) regardless of whether the defendant was examined previously.

(d) A defendant examined as required by Subsection (b)(2) must pay a \$10 reimbursement fee for the examination.

(e) The reimbursement fee collected under Subsection (d) must be deposited to the credit of a special account in the general revenue fund and may be used only by the Department of Public Safety for the administration of Chapter 521, Transportation Code.

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

Text of article effective on January 01, 2025

Art. 45A.305. DISMISSAL OF COMPLAINT ON COMPLIANCE WITH JUDICIAL REQUIREMENTS. (a) On determining that the defendant has complied with the requirements imposed by the judge under this subchapter, the judge shall dismiss the complaint.

(b) If a complaint is dismissed under Subsection (a), there is not a final conviction and the complaint may not be used against the person for any purpose.

(c) The docket must clearly note that the judge dismissed the complaint and that there is not a final conviction.

(d) Records relating to a complaint dismissed as provided by Subsection (a) may be expunged under Subchapter A, B, or C, Chapter [55A](#).

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

Text of article effective on January 01, 2025

Art. 45A.306. SHOW CAUSE HEARING ON FAILURE TO COMPLY WITH JUDICIAL REQUIREMENTS. If the defendant fails to present within the deferral period satisfactory evidence of compliance with the requirements imposed by the judge under this subchapter, the court shall:

(1) notify the defendant in writing, mailed to the address on file with the court or appearing on the notice to appear, of that failure; and

(2) require the defendant to appear at the time and place stated in the notice to show cause why the order of deferral should not be revoked.

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

Text of article effective on January 01, 2025

Art. 45A.307. JUDICIAL ACTIONS ON SHOW CAUSE HEARING.

(a) On the defendant's showing of good cause for failure to present satisfactory evidence of compliance with the requirements imposed by the judge under this subchapter, the court may allow an additional period during which the defendant may present evidence of the defendant's compliance with the requirements.

(b) Except as provided by Subsection (c), if on the date of a show cause hearing under Article 45A.306 or, if applicable, by the conclusion of an additional period provided under Subsection (a), the defendant does not present satisfactory evidence that the defendant complied with the requirements imposed by the judge under this subchapter, the judge may impose the fine assessed or a lesser fine. The imposition of the fine or lesser fine constitutes a final conviction of the defendant.

(c) If the defendant was required to complete a driving safety course or an examination under Article 45A.304(b) and on the date of a show cause hearing under Article 45A.306 or, if applicable, by the conclusion of an additional period provided under Subsection (a), the defendant does not present satisfactory evidence that the defendant completed that course or examination, the judge shall impose the fine assessed. The imposition of the fine constitutes a final conviction of the defendant.

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

SUBCHAPTER H. DRIVING SAFETY OR MOTORCYCLE OPERATOR COURSE

DISMISSAL

Text of article effective on January 01, 2025

Art. 45A.351. APPLICABILITY. (a) Except as provided by Subsections (b) and (c), this subchapter applies only to an alleged offense that:

(1) is within the jurisdiction of a justice or municipal court;

(2) involves the operation of a motor vehicle; and

(3) is defined by:

(A) Section 472.022, Transportation Code;

(B) Subtitle C, Title 7, Transportation Code; or

(C) Section 729.001(a)(3), Transportation Code.

(b) If the defendant is younger than 25 years of age, this subchapter applies to any alleged offense that:

(1) is within the jurisdiction of a justice or municipal court;

(2) involves the operation of a motor vehicle; and

(3) is classified as a moving violation.

(c) This subchapter does not apply to an offense committed by a person who:

(1) holds a commercial driver's license; or

(2) held a commercial driver's license when the offense was committed.

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

Text of article effective on January 01, 2025

Art. 45A.352. DRIVING SAFETY OR MOTORCYCLE OPERATOR TRAINING COURSE COMPLETION. (a) The judge shall require a defendant to successfully complete a driving safety course approved by the Texas Department of Licensing and Regulation or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this subchapter;

(2) the defendant:

(A) has a Texas driver's license or permit; or

(B) is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty;

(3) either:

(A) the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12-month period preceding the date of the offense; or

(B) the defendant:

(i) does not have a Texas driver's license or permit;

(ii) is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty; and

(iii) has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12-month period preceding the date of the offense;

(4) on or before the answer date on the notice to appear, the defendant enters, under Article 45A.151(a), a plea of nolo contendere or guilty in person or in writing and:

(A) presents in person or by counsel to the court a request to take a course; or

(B) sends to the court by certified mail, return receipt requested, postmarked on or before the answer date on the notice to appear, a written request to take a course;

(5) the defendant is charged with an offense to which this subchapter applies, other than speeding at a speed of:

(A) 95 miles per hour or more; or

(B) 25 miles per hour or more over the posted speed limit; and

(6) the defendant provides evidence of financial responsibility as required by Chapter 601, Transportation Code.

(b) The court may dismiss only one charge for each completion of a course described by Subsection (a).

(c) Notwithstanding Subsections (a)(3) and (4), before the final disposition of the case, the court may grant a request to take a driving safety course or a motorcycle operator training course under this subchapter.

(d) A request to take a driving safety course or motorcycle operator training course made at or before the time and at the place at which a defendant is required to appear in court is an appearance in compliance with the defendant's promise to appear.

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

Text of article effective on January 01, 2025

Art. 45A.353. CERTAIN DEFENDANTS ENTITLED TO COMPLETE DRIVING SAFETY OR MOTORCYCLE OPERATOR TRAINING COURSE. The court shall advise a defendant charged with a misdemeanor under Section [472.022](#), Transportation Code, Subtitle C, Title 7, Transportation Code, or Section [729.001\(a\)\(3\)](#), Transportation Code, committed while operating a motor vehicle of the defendant's right under this subchapter to successfully complete a driving safety course or, if the offense was committed while operating a motorcycle, a motorcycle operator training course. The right to complete a course does not apply to a defendant charged with:

(1) a violation of Section [545.066](#), [550.022](#), or [550.023](#), Transportation Code;

(2) a serious traffic violation; or

(3) an offense to which Section [542.404](#), Transportation Code, applies.

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

Text of article effective on January 01, 2025

Art. 45A.354. CONTENT OF NOTICE TO APPEAR. (a) A notice to appear issued for an offense to which this subchapter applies must inform a defendant charged with an offense under Section [472.022](#), Transportation Code, an offense under Subtitle C, Title 7, Transportation Code, or an offense under Section [729.001\(a\)\(3\)](#), Transportation Code, committed while operating a motor vehicle of the defendant's right to complete a driving safety course or, if the offense was committed while operating a motorcycle, of the defendant's right to complete a motorcycle operator training course. The notice required by this subsection must read substantially as follows:

"You may be able to require that this charge be dismissed by successfully completing a driving safety course or a motorcycle operator training course. You will lose that right if, on or before your appearance date, you do not provide the court with notice of your request to take the course."

(b) If the notice required by Subsection (a) is not provided

to the defendant charged with the offense, the defendant may continue to exercise the defendant's right to take a driving safety course or a motorcycle operator training course until the notice required by Subsection (a) is provided to the defendant or there is a final disposition of the case.

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

Text of article effective on January 01, 2025

Art. 45A.355. EXTENSION FOR GOOD CAUSE. On a defendant's showing of good cause for failure to provide evidence to the court, the court may allow an additional period during which the defendant may present:

(1) a uniform certificate of course completion as evidence that the defendant successfully completed the driving safety course; or

(2) a verification of course completion as evidence that the defendant successfully completed the motorcycle operator training course.

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

Text of article effective on January 01, 2025

Art. 45A.356. JUDICIAL ACTIONS FOLLOWING PLEA; SHOW CAUSE HEARING. (a) The court shall enter judgment on a defendant's plea of nolo contendere or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant a 90-day period to successfully complete the approved driving safety course or motorcycle operator training course and present to the court:

(1) a uniform certificate of completion of the driving safety course or a verification of completion of the motorcycle operator training course;

(2) unless the judge proceeds under Article [45A.359](#), the defendant's driving record as maintained by the Department of Public Safety, if any, showing that the defendant has not completed an approved driving safety course or motorcycle operator training

course, as applicable, within the 12-month period preceding the date of the offense;

(3) an affidavit stating that the defendant:

(A) was not taking a driving safety course or motorcycle operator training course, as applicable, under this subchapter on the date the request to take the course was made; and

(B) has not completed, within the 12-month period preceding the date of the offense, a course described by Paragraph (A) that is not shown on the defendant's driving record; and

(4) if the defendant does not have a Texas driver's license or permit and is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty, an affidavit stating that the defendant:

(A) was not taking a driving safety course or motorcycle operator training course, as applicable, in another state on the date the request to take the course was made; and

(B) has not completed a course described by Paragraph (A) within the 12-month period preceding the date of the offense.

(b) If the judge proceeds under Article [45A.359](#) and the copy of the defendant's driving record provided to the judge under Subsection (c) of that article shows that the defendant has not completed an approved driving safety course or motorcycle operator training course, as applicable, within the 12-month period preceding the date of the offense, the judge shall allow the defendant to complete the appropriate course as provided by this article.

(c) If a defendant satisfies the requirements of Subsection (a), the court shall:

(1) remove the judgment and dismiss the charge;

(2) report the fact that the defendant successfully completed a driving safety course or a motorcycle operator training course and the date of completion to the Department of Public Safety for inclusion in the defendant's driving record; and

(3) state in the report under Subdivision (2) whether the course was taken under this subchapter to provide information necessary to determine eligibility to take a subsequent course

under Article [45A.352](#)(a).

(d) An order of deferral under Subsection (a) terminates any liability under a bond given for the charge.

(e) If a defendant requesting a course under this subchapter fails to satisfy the requirements of Subsection (a), the court shall:

(1) notify the defendant in writing, mailed to the address on file with the court or appearing on the notice to appear, of that failure; and

(2) require the defendant to appear at the time and place stated in the notice to show cause why the evidence was not timely submitted to the court.

(f) If the defendant fails to appear at the time and place stated in the notice under Subsection (e), or appears at the time and place stated in the notice but does not show good cause for the defendant's failure to satisfy the requirements of Subsection (a), the court shall enter an adjudication of guilt and impose sentence. Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 45A.357. EFFECT OF DISMISSAL OR COURSE COMPLETION.

(a) A charge that is dismissed under this subchapter may not be part of a person's driving record or used for any purpose.

(b) An insurer delivering or issuing for delivery a motor vehicle insurance policy in this state may not cancel or increase the premium charged an insured under the policy because the insured:

(1) completed a driving safety course or a motorcycle operator training course; or

(2) had a charge dismissed under this subchapter.

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

Text of article effective on January 01, 2025

Art. 45A.358. ADDITIONAL FINES AND FEES RELATING TO COURSE

REQUEST. (a) In addition to court costs and fees authorized or imposed by a law of this state and applicable to the offense, the court may:

(1) require a defendant requesting a driving safety course or motorcycle operator training course under Article [45A.352\(a\)](#) to pay a reimbursement fee in an amount of not more than \$10 to cover the cost of administering this subchapter; or

(2) require a defendant requesting a driving safety course or motorcycle operator training course under Article [45A.352\(c\)](#) to pay a fine set by the court in an amount not to exceed the maximum amount of the fine for the offense committed by the defendant.

(b) A defendant who requests but does not take a driving safety course or motorcycle operator training course is not entitled to a refund of the reimbursement fee or fine assessed under Subsection (a).

(c) Money collected by a municipal court shall be deposited in the municipal treasury. Money collected by another court shall be deposited in the county treasury of the county in which the court is located.

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

Text of article effective on January 01, 2025

Art. 45A.359. DRIVING RECORD RETRIEVAL AND RELATED FEE.

(a) In this article, "state electronic Internet portal" has the meaning assigned by Section [2054.003](#), Government Code.

(b) As an alternative to receiving the defendant's driving record under Article [45A.356\(a\)\(2\)](#), the judge, at the time the defendant requests a driving safety course or motorcycle operator training course dismissal under this subchapter, may:

(1) require the defendant to pay a reimbursement fee in an amount equal to the sum of the amount of:

(A) the fee established by Section [521.048](#), Transportation Code; and

(B) the state electronic Internet portal fee; and

(2) use the state electronic Internet portal to

request that the Department of Public Safety provide the judge with a copy of the defendant's driving record showing the information described by Section [521.047\(b\)](#), Transportation Code.

(c) As soon as practicable, the Department of Public Safety shall use the state electronic Internet portal to provide the judge with the requested copy of the defendant's driving record.

(d) The reimbursement fee authorized by Subsection (b) is in addition to any other fee required under this subchapter.

(e) The custodian of a municipal or county treasury who receives reimbursement fees collected under this article shall keep a record of the fees and, without deduction or proration, forward the fees to the comptroller with and in the manner required for other fees and costs received in connection with criminal cases.

(f) The comptroller shall credit fees collected under Subsection (e) to the Department of Public Safety.

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

SUBCHAPTER I. OTHER DISMISSALS

Text of article effective on January 01, 2025

Art. 45A.401. DISMISSAL OF MISDEMEANOR CHARGE ON COMPLETION OF TEEN COURT PROGRAM. (a) This article applies only to a defendant who is:

(1) younger than 18 years of age; or

(2) enrolled full time in an accredited secondary school in a program leading toward a high school diploma.

(b) A justice or municipal court may defer proceedings against a defendant described by Subsection (a) for a period not to exceed 180 days if the defendant:

(1) is charged with an offense that the court has jurisdiction of under Article [4.11](#) or [4.14](#);

(2) with the defendant's parent, guardian, or managing conservator present, pleads nolo contendere or guilty to the offense in open court;

(3) presents to the court an oral or written request to attend a teen court program or is recommended to attend the program

by a school employee under Section 37.146, Education Code; and

(4) has not successfully completed a teen court program in the year preceding the date that the alleged offense occurred.

(c) The court must approve the teen court program.

(d) A defendant for whom proceedings are deferred under Subsection (b) must complete the teen court program not later than the earlier of:

(1) the 90th day after the date the teen court hearing to determine punishment is held; or

(2) the last day of the deferral period.

(e) The justice or municipal court shall dismiss the charge at the time the defendant presents satisfactory evidence that the defendant has successfully completed the teen court program.

(f) A charge dismissed under this article may not be part of the defendant's criminal record or driving record or used for any purpose, except that if the charge was for a traffic offense, the court shall report to the Department of Public Safety the fact that the defendant successfully completed the teen court program and the date of completion for inclusion in the defendant's driving record.

(g) The justice or municipal court may require a defendant who requests a teen court program to pay a reimbursement fee in an amount not to exceed \$10 that is set by the court to cover the costs of administering this article. Reimbursement fees collected by a municipal court shall be deposited in the municipal treasury, and reimbursement fees collected by a justice court shall be deposited in the county treasury of the county in which the court is located.

(h) A defendant who requests a teen court program and fails to complete the program is not entitled to a refund of the reimbursement fee under Subsection (g).

(i) A court may transfer a case in which proceedings have been deferred under this article to a court in another county if that court consents to the transfer and has jurisdiction over the case.

(j) In addition to the reimbursement fee authorized by Subsection (g), the court may require a defendant who requests a teen court program to pay a \$10 reimbursement fee to cover the

program's cost for performing duties under this article. The court shall pay the fee to the teen court program, and the teen court program must account to the court for the receipt and disbursement of the fee.

(k) A defendant who pays a fee under Subsection (j) is not entitled to a refund of the fee, regardless of whether the defendant successfully completes the teen court program.

(l) A justice or municipal court may exempt a defendant for whom proceedings are deferred under this article from the requirement to pay a court cost or fee imposed by another statute.

(m) Notwithstanding Subsection (g) or (j), a justice or municipal court that is located in the Texas-Louisiana border region, as defined by Section 2056.002, Government Code, may charge a reimbursement fee of \$20 under those subsections.

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

Text of article effective on January 01, 2025

Art. 45A.402. DISMISSAL OF COMPLAINT ON COMMITMENT OF PERSON WITH CHEMICAL DEPENDENCY. (a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only, a justice or municipal court may defer further proceedings for a 90-day period without entering an adjudication of guilt if:

(1) the court finds that the offense resulted from or was related to the defendant's chemical dependency; and

(2) an application for court-ordered treatment of the defendant is filed in accordance with Chapter 462, Health and Safety Code.

(b) At the end of the deferral period, the justice or municipal court shall dismiss the complaint if satisfactory evidence is presented that the defendant was committed for and completed court-ordered treatment in accordance with Chapter 462, Health and Safety Code. If a complaint is dismissed under this subsection, there is not a final conviction and the complaint may not be used against the person for any purpose. The docket must clearly note that the court dismissed the complaint and that there

is not a final conviction. Records relating to a complaint dismissed under this subsection may be expunged under Subchapter A, B, or C, Chapter 55A.

(c) If at the conclusion of the deferral period satisfactory evidence described by Subsection (b) is not presented, the justice or municipal court may impose the fine assessed or a lesser fine. The imposition of the fine constitutes a final conviction of the defendant.

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

Text of article effective on January 01, 2025

Art. 45A.403. DISMISSAL OF PARENT CONTRIBUTING TO NONATTENDANCE CHARGE. Notwithstanding any other law, a county, justice, or municipal court may dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093, Education Code, if the court finds that a dismissal would be in the interest of justice because:

(1) there is a low likelihood of recidivism by the defendant; or

(2) sufficient justification exists for the failure of the defendant's child to attend school.

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

SUBCHAPTER J. CASES INVOLVING JUVENILES

Text of article effective on January 01, 2025

Art. 45A.451. JUVENILE CASE MANAGERS. (a) On approval of the commissioners court, governing body of a municipality, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity may:

(1) employ a case manager to provide services:

(A) in cases involving juvenile offenders who are

before a court consistent with the court's statutory powers; or

(B) to a juvenile who is referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers before a case is filed, with the consent of the juvenile and the juvenile's parents or guardians;

(2) employ one or more juvenile case managers who:

(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:

(i) prevention services to a child considered at risk of entering the juvenile justice system; and

(ii) intervention services to a juvenile engaged in misconduct, excluding traffic offenses, if a case has not yet been filed with respect to the misconduct; or

(3) agree in accordance with Chapter 791, Government Code, with any appropriate governmental entity to jointly employ a case manager or to jointly contribute to the costs of a case manager employed by one governmental entity to provide services described by Subdivisions (1) and (2).

(a-1) A county or justice court on approval of the commissioners court or a municipality or municipal court on approval of the governing body of the municipality may employ one or more juvenile case managers who:

(1) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(2) may provide:

(A) prevention services to a child considered at risk of entering the juvenile justice system; and

(B) intervention services to a juvenile engaged in misconduct, excluding traffic offenses, if a case has not yet been filed with respect to the misconduct.

(b) A local entity may apply or more than one local entity may jointly apply to the criminal justice division of the governor's office for reimbursement of all or part of the costs of

employing one or more juvenile case managers from funds appropriated to the governor's office or otherwise available for that purpose.

(c) To be eligible for reimbursement under Subsection (b), the entity applying must present to the governor's office a comprehensive plan to reduce juvenile offenses in the entity's jurisdiction. The plan must address the role of the case manager in that effort.

(d) An entity that jointly employs a case manager under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102.

(e) The court or governing body may pay, from the local truancy prevention and diversion fund established under Section 134.156, Local Government Code:

(1) the salary and benefits of a juvenile case manager; and

(2) the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager.

(f) A juvenile case manager employed under Subsection (a-1) shall give priority to cases brought under Section 25.093, Education Code.

(g) The governing body of the employing governmental entity under Subsection (a) shall adopt reasonable rules for juvenile case managers that provide for:

(1) a code of ethics and the enforcement of the code of ethics;

(2) appropriate educational preservice and in-service training standards for juvenile case managers; and

(3) training in:

(A) the role of the juvenile case manager;

(B) case planning and management;

(C) applicable procedural and substantive law;

(D) courtroom proceedings and presentation;

(E) services to at-risk youth under Subchapter D, Chapter 264, Family Code;

(F) local programs and services for juveniles and

methods by which juveniles may access those programs and services;
and

(G) detecting and preventing abuse, exploitation, and neglect of juveniles.

(h) The employing court or governmental entity under this article shall implement the rules adopted under Subsection (g).

(i) The commissioners court or governing body of the municipality that administers a local truancy prevention and diversion fund under Section 134.156, Local Government Code, shall require periodic review of juvenile case managers to ensure the implementation of the rules adopted under Subsection (g).

(j) The juvenile case manager shall timely report to the judge who signed the applicable order or judgment and, on request, to the judge assigned to the case or the presiding judge any information or recommendations relevant to assisting the judge in making decisions that are in the best interest of the child.

(k) The judge who is assigned to the case shall consult with the juvenile case manager who is supervising the case regarding:

(1) the child's home environment;

(2) the child's developmental, psychological, and educational status;

(3) the child's previous interaction with the justice system; and

(4) any sanctions available to the court that would be in the best interest of the child.

(l) Subsections (j) and (k) do not apply to:

(1) a part-time judge; or

(2) a county judge of a county court that has one or more appointed full-time magistrates under Section 54.1172, Government Code.

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

Text of article effective on January 01, 2025

Art. 45A.452. PLEA; APPEARANCE BY DEFENDANT AND PARENT.

(a) This article applies to a defendant who has not had the disabilities of minority removed and has been:

(1) charged with an offense other than an offense under Section [43.261](#), Penal Code, if the defendant is younger than 17 years of age; or

(2) charged with an offense under Section [43.261](#), Penal Code, if the defendant is younger than 18 years of age.

(b) The judge or justice shall:

(1) take the defendant's plea in open court; and

(2) issue a summons to compel the defendant's parent, guardian, or managing conservator to be present during:

(A) the taking of the defendant's plea; and

(B) all other proceedings relating to the case.

(c) If the court is unable to secure the appearance of the defendant's parent, guardian, or managing conservator by issuing a summons, the court may, without the defendant's parent, guardian, or managing conservator present, take the defendant's plea and proceed against the defendant.

(d) If the defendant resides in a county other than the county in which the alleged offense occurred, the defendant may, with approval of the judge of the court of original jurisdiction, enter a plea, including a plea under Article [45A.401](#), before a judge in the county in which the defendant resides.

(e) A justice or municipal court shall endorse on the summons issued to a parent an order to appear personally at a hearing with the defendant. The summons must include a warning that the failure of the parent to appear is a Class C misdemeanor and may result in arrest.

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

Text of article effective on January 01, 2025

Art. 45A.453. CHILD TAKEN INTO CUSTODY. (a) In this article, "child" means a person who is:

(1) at least 10 years of age and younger than 17 years of age; and

(2) charged with or convicted of an offense that a justice or municipal court has jurisdiction of under Article [4.11](#) or [4.14](#).

(b) A child may be released to the child's parent, guardian, custodian, or other responsible adult as provided by Section 52.02(a)(1), Family Code, if the child is taken into custody for an offense that a justice or municipal court has jurisdiction of under Article 4.11 or 4.14.

(c) A child described by Subsection (b) must be taken only to a place previously designated by the head of the law enforcement agency with custody of the child as an appropriate place of nonsecure custody for children unless the child:

(1) is released under Section 52.02(a)(1), Family Code; or

(2) is taken before a justice or municipal court.

(d) A place of nonsecure custody for children must be an unlocked, multipurpose area, such as:

(1) a lobby, office, or interrogation room, if the area is not designated, set aside, or used as a secure detention area and is not part of a secure detention area; or

(2) a juvenile processing office designated under Section 52.025, Family Code, if the area is not locked when the area is used as a place of nonsecure custody.

(e) The following procedures shall be followed in a place of nonsecure custody for children:

(1) a child may not be secured physically to a cuffing rail, chair, desk, or other stationary object;

(2) a child may be held in the nonsecure facility only for the period necessary to complete:

(A) identification;

(B) investigation;

(C) processing;

(D) release to a parent, guardian, custodian, or other responsible adult; or

(E) the arranging of transportation to the appropriate juvenile court, juvenile detention facility, secure detention facility, justice court, or municipal court;

(3) residential use of the area is prohibited; and

(4) a law enforcement officer or facility staff person shall provide continuous visual supervision of a child while the

child is in nonsecure custody.

(f) Notwithstanding any other provision of this article, a child may not be detained in a place of nonsecure custody for a period of more than six hours.

(g) A child taken into custody for an offense that a justice or municipal court has jurisdiction of under Article 4.11 or 4.14 may be presented or detained in a detention facility designated by the juvenile board under Section 52.02(a)(3), Family Code, only if:

(1) the child's case is transferred to the juvenile court by a justice or municipal court under Section 51.08(b), Family Code; or

(2) the child is referred to the juvenile court by a justice or municipal court for contempt of court under Article 45A.461.

(h) Except as provided by Subsection (i) and Section 37.143(a), Education Code, for a traffic offense or an offense punishable by fine only, a law enforcement officer may issue a citation as provided by Article 14.06 instead of taking a child into custody.

(i) A law enforcement officer may issue a citation as provided by Article 14.06 instead of taking a child into custody for conduct constituting a violation of Section 49.02, Penal Code, only if the officer releases the child to the child's parent, guardian, custodian, or other responsible adult.

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

Text of article effective on January 01, 2025

Art. 45A.454. CONDUCT ALLEGED ON SCHOOL PROPERTY. (a) In this article, "child" has the meaning assigned by Article 45A.453(a).

(b) If a law enforcement officer issues a citation or files a complaint in the manner provided by Article 45A.101(g) for conduct by a child 12 years of age or older that is alleged to have occurred on school property of or on a vehicle owned or operated by a county or independent school district, the officer shall submit to the court:

- (1) the offense report;
 - (2) a statement by a witness to the alleged conduct;
- and
- (3) a statement by a victim of the alleged conduct, if any.

(c) An attorney representing the state may not proceed in a trial of an offense unless the law enforcement officer has complied with the requirements of Subsection (b).

(d) Notwithstanding Article 45A.453(h) or (i), a law enforcement officer may not issue a citation or file a complaint in the manner provided by Article 45A.101(g) for conduct by a child younger than 12 years of age that is alleged to have occurred on school property of or on a vehicle owned or operated by a county or independent school district.

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

Text of article effective on January 01, 2025

Art. 45A.455. CHILD TAKEN INTO CUSTODY FOR VIOLATION OF JUVENILE CURFEW OR ORDER. (a) In this article, "child" means a person who is younger than 17 years of age.

(b) A peace officer taking a child into custody for a violation of a juvenile curfew ordinance of a municipality or order of the commissioners court of a county shall, without unnecessary delay:

- (1) release the child to the child's parent, guardian, or custodian;
- (2) take the child before a justice or municipal court to answer the charge; or
- (3) take the child to a place designated as a juvenile curfew processing office by the head of the law enforcement agency having custody of the child.

(c) A juvenile curfew processing office must observe the following procedures:

- (1) the office must be an unlocked, multipurpose area that is not designated, set aside, or used as a secure detention area or part of a secure detention area;

(2) the child may not be secured physically to a cuffing rail, chair, desk, or stationary object;

(3) the child may not be held for a period longer than is necessary to complete:

(A) identification;

(B) investigation;

(C) processing;

(D) release to a parent, guardian, or custodian;

or

(E) arrangement of transportation to school or court;

(4) the office may not be designated or intended for residential purposes;

(5) a peace officer or other individual shall provide continuous visual supervision of a child while the child is in the office; and

(6) a child may not be held in the office for a period of more than six hours.

(d) A place designated under this article as a juvenile curfew processing office is not subject to the approval of the juvenile board having jurisdiction where the governmental entity is located.

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

Text of article effective on January 01, 2025

Art. 45A.456. CONTINUING OBLIGATION TO APPEAR FOR UNADJUDICATED CHILD, NOW ADULT; OFFENSE. (a) Except as provided by Articles 45A.453, 45A.454, and 45A.455, an individual may not be taken into secured custody for offenses alleged to have occurred before the individual's 17th birthday.

(b) On or after an individual's 17th birthday, if the court has used all available procedures under this chapter to secure the individual's appearance to answer allegations made before the individual's 17th birthday, the court may issue a notice of continuing obligation to appear, by personal service or by mail, to the last known address and residence of the individual. The notice

must order the individual to appear at a designated time, place, and date to answer the allegations detailed in the notice.

(c) Failure to appear as ordered by the notice under Subsection (b) is a Class C misdemeanor independent of Section 38.10, Penal Code, and Section 543.009, Transportation Code.

(d) It is an affirmative defense to prosecution under Subsection (c) that the individual was not informed of the individual's obligation under Articles 45A.457(h) and (i) or did not receive notice as required by Subsection (b) of this article.

(e) A notice of continuing obligation to appear issued under this article must contain the following statement provided in boldfaced type or capital letters:

"WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 17TH BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST."

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

Text of article effective on January 01, 2025

Art. 45A.457. FINDING THAT OFFENSE COMMITTED. (a) In this article:

(1) "Child" has the meaning assigned by Article 45A.453(a).

(2) "Parent" includes a person standing in parental relation, a managing conservator, or a custodian.

(3) "Residence" means any place where the child lives or resides for a period of not less than 30 days.

(b) On a finding by a justice or municipal court that a child committed an offense that the court has jurisdiction of under Article 4.11 or 4.14, the court has jurisdiction to enter an order:

(1) referring the child or the child's parent for services under Section 264.302, Family Code;

(2) requiring that the child attend a special program

that the court determines to be in the best interest of the child and, if the program involves the expenditure of municipal or county funds, that is approved by the governing body of the municipality or county commissioners court, as applicable, including a program for:

- (A) rehabilitation;
- (B) counseling;
- (C) self-esteem and leadership;
- (D) work and job skills training;
- (E) job interviewing and work preparation;
- (F) self-improvement;
- (G) parenting;
- (H) manners;
- (I) violence avoidance;
- (J) tutoring;
- (K) sensitivity training;
- (L) parental responsibility;
- (M) community service;
- (N) restitution;
- (O) advocacy; or
- (P) mentoring; or

(3) requiring that the child's parent perform any act or refrain from performing any act as the court determines will increase the likelihood that the child will comply with the orders of the court and that is reasonable and necessary for the welfare of the child, including:

(A) attend a parenting class or parental responsibility program; and

(B) attend the child's school classes or functions.

(c) The justice or municipal court may order the parent of a child required to attend a program under Subsection (b) to pay an amount not to exceed \$100 for the costs of the program.

(d) A justice or municipal court may require a child or parent required to attend a program, class, or function under this article to submit proof of attendance to the court.

(e) A justice or municipal court shall endorse on the summons issued to a parent an order to appear personally at the

hearing with the child. The summons must include a warning that the failure of the parent to appear is a Class C misdemeanor and may result in arrest.

(f) An order under this article involving a child is enforceable under Article [45A.461](#).

(g) A person commits an offense if the person is a parent who fails to attend a hearing under this article after receiving an order under Subsection (e). An offense under this subsection is a Class C misdemeanor.

(h) A child and parent required to appear before the court have an obligation to provide the child's current address and residence to the court in writing. The obligation does not end when the child reaches age 17. On or before the seventh day after the date the child or parent changes residence, the child or parent shall notify the court of the current address in the manner directed by the court. A violation of this subsection is a Class C misdemeanor and may result in arrest. The obligation to provide notice terminates on discharge and satisfaction of the judgment or a final disposition not requiring a finding of guilt.

(i) If an appellate court accepts an appeal for a trial de novo, the child and parent shall provide the notice under Subsection (h) to the appellate court.

(j) The child and parent are entitled to written notice of their obligation under Subsections (h) and (i), which may be satisfied if a copy of those subsections is delivered to the child and parent by:

(1) the court during their initial appearance before the court;

(2) a peace officer arresting and releasing a child under Article [45A.453](#)(b) at the time of release; or

(3) a peace officer who issues a notice to appear under Section [543.003](#), Transportation Code, or a citation under Article [14.06](#)(b).

(k) It is an affirmative defense to prosecution under Subsection (h) that the child and parent were not informed of their obligation under this article.

(l) Any order under this article is enforceable by the

justice or municipal court by contempt.

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

Text of article effective on January 01, 2025

Art. 45A.458. FINDING OF ELECTRONIC TRANSMISSION OF CERTAIN VISUAL MATERIAL DEPICTING MINOR. (a) In this article, "parent" means a natural or adoptive parent, managing or possessory conservator, or legal guardian. The term does not include a parent whose parental rights have been terminated.

(b) If a justice or municipal court finds that a defendant has committed an offense under Section 43.261, Penal Code, the court may enter an order requiring the defendant to attend and successfully complete an educational program described by Section 37.218, Education Code, or another equivalent educational program.

(c) A court that enters an order under Subsection (b) shall require the defendant or the defendant's parent to pay the cost of attending an educational program under Subsection (b) if the court determines that the defendant or the defendant's parent is financially able to pay.

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

Text of article effective on January 01, 2025

Art. 45A.459. COMMUNITY SERVICE TO SATISFY FINES OR COSTS FOR CERTAIN JUVENILE DEFENDANTS. (a) This article applies only to a defendant younger than 17 years of age who is assessed a fine or cost for a Class C misdemeanor.

(b) A justice or judge may require a defendant described by Subsection (a) to discharge all or part of the fine or cost by performing community service.

(c) An order requiring a defendant to perform community service under this article must specify:

(1) the number of hours of community service the defendant is required to perform, not to exceed 200 hours; and

(2) the date by which the defendant must submit to the

court documentation verifying that the defendant completed the community service.

(d) The justice or judge may order the defendant to perform community service under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program; or

(G) any similar activity; or

(2) for:

(A) a governmental entity;

(B) a nonprofit organization or another organization that provides to the general public services that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(e) An entity that accepts a defendant to perform community service under this article must agree to:

(1) supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and

(2) report on the defendant's community service to the justice or judge who ordered the service.

(f) A justice or judge may not order a defendant to perform more than 16 hours of community service each week under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's family, as defined by Section 71.003, Family Code.

(g) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace,

municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant to perform community service under this article is not liable for damages arising from an act or failure to act in connection with community service performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(h) A local juvenile probation department or a court-related services office may provide the administrative and other services necessary to supervise a defendant required to perform community service under this article.

(i) A defendant is considered to have discharged not less than \$100 of fines or costs for each eight hours of community service performed under this article.

(j) A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.

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

Text of article effective on January 01, 2025

Art. 45A.460. COMMUNITY SERVICE TO SATISFY FINES OR COSTS FOR CERTAIN JUVENILE DEFENDANTS FOR OFFENSES ON SCHOOL GROUNDS.

(a) This article applies only to a defendant younger than 17 years of age who is assessed a fine or cost for a Class C misdemeanor occurring in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense.

(b) A justice or judge may require a defendant described by Subsection (a) to discharge all or part of the fine or cost by performing community service.

(c) An order requiring a defendant to perform community service under this article must specify:

(1) the number of hours of community service the

defendant is required to perform; and

(2) the date by which the defendant must submit to the court documentation verifying that the defendant completed the community service.

(d) The justice or judge may order the defendant to perform community service under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program;

(G) a tutoring program; or

(H) any similar activity; or

(2) for:

(A) a governmental entity;

(B) a nonprofit organization or another organization that provides to the general public services that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(e) An entity that accepts a defendant to perform community service under this article must agree to:

(1) supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and

(2) report on the defendant's community service to the justice or judge who ordered the service.

(f) A justice or judge may not order a defendant to perform more than 16 hours of community service each week under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's family, as defined by Section 71.003,

Family Code.

(g) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant to perform community service under this article is not liable for damages arising from an act or failure to act in connection with community service performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, grossly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(h) A local juvenile probation department or a court-related services office may provide the administrative and other services necessary to supervise a defendant required to perform community service under this article.

(i) A defendant is considered to have discharged not less than \$100 of fines or costs for each eight hours of community service performed under this article.

(j) A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.

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

Text of article effective on January 01, 2025

Art. 45A.461. FAILURE TO PAY FINE OR APPEAR. (a) In this article, "child" has the meaning assigned by Article 45A.453(a).

(b) A justice or municipal court may not order the confinement of a child for:

(1) the failure to pay all or part of a fine or cost imposed for the conviction of an offense punishable by fine only;

(2) the failure to appear for an offense committed by the child; or

(3) contempt of another order of a justice or municipal court.

(c) If a child fails to obey an order of a justice or municipal court under circumstances that would constitute contempt of court, the justice or municipal court, after providing notice and an opportunity to be heard, may:

(1) refer the child to the appropriate juvenile court for delinquent conduct for contempt of the order; or

(2) retain jurisdiction of the case, hold the child in contempt of court, and order that:

(A) the contemnor pay a fine not to exceed \$500; or

(B) the Department of Public Safety suspend the contemnor's driver's license or permit or, if the contemnor does not have a license or permit, deny the issuance of a license or permit to the contemnor until the contemnor fully complies with the order.

(d) A justice or municipal court may hold a person in contempt and impose a remedy authorized by Subsection (c)(2) if:

(1) the person was convicted for an offense committed before the person's 17th birthday;

(2) the person failed to obey the order while the person was 17 years of age or older; and

(3) the failure to obey occurred under circumstances that constitute contempt of court.

(e) A justice or municipal court may hold a person in contempt and impose a remedy authorized by Subsection (c)(2) if the person, while younger than 17 years of age, engaged in conduct in contempt of an order issued by the court, but contempt proceedings could not be held before the person's 17th birthday.

(f) A justice or municipal court that orders suspension or denial of a driver's license or permit under Subsection (c)(2)(B) shall notify the Department of Public Safety on receiving proof of compliance with the orders of the justice or municipal court.

(g) A justice or municipal court may not refer a person who violates a court order while 17 years of age or older to a juvenile court for delinquency proceedings for contempt of court.

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

Text of article effective on January 01, 2025

Art. 45A.462. CONFIDENTIAL RECORDS RELATED TO CERTAIN CHARGES AGAINST OR CONVICTIONS OF CHILD. (a) In this article, "child" has the meaning assigned by Article [45A.453\(a\)](#).

(b) Except as provided by Article [15.27](#) and Subsection (c) of this article, all records and files, including those held by law enforcement, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is charged with, is convicted of, is found not guilty of, had a charge dismissed for, or is granted deferred disposition for a fine-only misdemeanor offense other than a traffic offense are confidential and may not be disclosed to the public.

(c) Information subject to Subsection (b) may be open to inspection only by:

- (1) a judge or court staff;
- (2) a criminal justice agency for a criminal justice purpose, as those terms are defined by Section [411.082](#), Government Code;
- (3) the Department of Public Safety;
- (4) an attorney for a party to the proceeding;
- (5) the child defendant; or
- (6) the defendant's parent, guardian, or managing conservator.

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

Text of article effective on January 01, 2025

Art. 45A.463. EXPUNCTION OF CERTAIN RECORDS OF CHILD OR MINOR. (a) In this article, "child" has the meaning assigned by Section [51.02](#), Family Code.

(b) This article does not apply to an offense otherwise covered by:

- (1) Chapter [106](#), Alcoholic Beverage Code; or
- (2) Chapter [161](#), Health and Safety Code.

(c) On or after the person's 17th birthday, a person may apply to the court in which the person was convicted to have the conviction expunged as provided by this article if:

(1) the person was convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; or

(2) the person was convicted only once of an offense under Section 43.261, Penal Code.

(d) The person must make a written request to have the records expunged.

(e) The request must:

(1) be under oath; and

(2) contain the person's statement that the person was not convicted of any additional offense or found to have engaged in conduct indicating a need for supervision as described by Subsection (g)(1) or (2), as applicable.

(f) The judge shall inform the person and any parent in open court of the person's expunction rights and provide them with a copy of this article.

(g) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:

(1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by those subdivisions while the person was a child; and

(2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(6), Family Code, while the person was a child.

(h) After entry of an order under Subsection (g), the person is released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.

(i) Records of a person younger than 17 years of age relating to a complaint may be expunged under this article if:

(1) the complaint was dismissed under Subchapter G, Article 45A.401, or other law; or

(2) the person was acquitted of the offense.

(j) The justice or municipal court shall require a person who requests expunction under this article to pay a reimbursement fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expunction under this article.

(k) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55A.

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

Text of article effective on January 01, 2025

Art. 45A.464. EXPUNCTION OF RECORDS RELATED TO FAILURE TO ATTEND SCHOOL. (a) In this article, "truancy offense" means an offense committed under the former Section 25.094, Education Code.

(b) An individual who has been convicted of a truancy offense or has had a complaint for a truancy offense dismissed is entitled to an expunction of the conviction or complaint and records relating to the conviction or complaint.

(c) Regardless of whether the individual has filed a petition for expunction, the court in which the individual was convicted or a complaint for a truancy offense was filed shall order the conviction, complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a school district or law enforcement agency, to be expunged from the individual's record.

(d) After entry of the order, the individual is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose.

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