

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 5A. PREVENTING, INVESTIGATING, AND PROSECUTING FAMILY
VIOLENCE

Text of article effective on April 01, 2027

Art. 5A.001. LEGISLATIVE STATEMENT. (a) Family violence is a serious danger and threat to society and its members. Victims of family violence are entitled to the maximum protection as permitted by law from harm or abuse or the threat of harm or abuse.

(b) In any law enforcement, prosecutorial, or judicial response to an allegation of family violence, the responding peace or judicial officer shall protect the victim without regard to the relationship between the alleged offender and victim.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.002. DEFINITIONS. In this chapter, "family," "family violence," "household," and "member of a household" have the meanings assigned by Chapter [71](#), Family Code.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.003. PRIMARY DUTIES OF PEACE OFFICER INVESTIGATING FAMILY VIOLENCE. The primary duties of a peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence are to:

- (1) protect any potential victim of family violence;
- (2) enforce the law of this state;
- (3) enforce a protective order from another jurisdiction as provided by Chapter [88](#), Family Code; and
- (4) make lawful arrests of violators.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.004. NO WAIVER OR EXCEPTION CREATED BY FAMILY OR HOUSEHOLD RELATIONSHIP. (a) A general duty prescribed for an officer by Chapter [2A](#) is not waived or excepted in any family violence case or investigation because of a family or household relationship between an alleged violator and a victim of family violence.

(b) A peace officer's or magistrate's duty to prevent the commission of a criminal offense, including an act of family violence, is not waived or excepted because of a family or household relationship between a potential violator and victim.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.005. FOSTER HOME ADDRESS INQUIRY. A peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence shall determine whether the address of a person involved in the allegation or call matches the address of a licensed foster home or verified agency foster home listed in the Texas Crime Information Center.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.006. REQUIRED NOTICE FOR ADULT VICTIM. (a) A peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence shall advise any possible adult victim of all reasonable means to prevent further family violence, including by providing the written notice adopted by the Health and Human Services Commission under Section [51A.003](#), Human Resources Code.

(b) In addition to the required notice under Subsection (a), a peace officer may provide to the possible victim any available written information regarding local resources for victims of family

violence.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.007. PEACE OFFICER ACCESS TO AND ACCEPTANCE OF PROTECTIVE ORDERS. (a) To ensure that a peace officer responding to a disturbance call is aware of the existence and terms of any protective order, each municipal police department and sheriff shall establish procedures within the department or sheriff's office to provide peace officers adequate information or access to information regarding the names of:

- (1) persons protected by a protective order; and
- (2) persons to whom protective orders are directed.

(b) Each peace officer shall accept a certified copy of an original or modified protective order as proof of the validity of the order, and the order is presumed valid unless:

- (1) the order contains a termination date that has passed;
- (2) more than one year has elapsed after the date the order was issued; or
- (3) the peace officer has been notified by the clerk of the court vacating the order that the order has been vacated.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.008. STANDBY ASSISTANCE; LIABILITY. (a) In a peace officer's discretion, the officer may stay with a victim of family violence to protect the victim and allow the victim to take the personal property of the victim or of a child in the care of the victim to a place of safety in an orderly manner.

(b) A peace officer who provides assistance under Subsection (a) is not:

- (1) civilly liable for an act or omission of the officer that arises in connection with providing the assistance or

determining whether to provide the assistance; or

(2) civilly or criminally liable for the wrongful appropriation of any personal property by the victim.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.009. REQUIRED REPORTS. (a) A peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall make a written report that includes:

- (1) the names of the suspect and complainant;
- (2) the date, time, and location of the incident;
- (3) any visible or reported injuries;
- (4) a description of the incident and a statement of its disposition; and

- (5) whether the suspect is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status.

(b) If a suspect is identified as being a member of the military, as described by Subsection (a)(5), the peace officer shall provide written notice of the incident or disturbance call to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the suspect is assigned with the intent that the commanding officer will be notified, as applicable.

(c) In addition to the written report required under Subsection (a), a peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall make a report to the Department of Family and Protective Services if the location of the incident or call, or the known address of a person involved in the incident or call, matches the address of a licensed foster home or a verified agency foster home as listed in the Texas Crime Information Center. The report under this subsection may be made orally or electronically and must:

- (1) include the information required by Subsection

(a); and

(2) be filed with the Department of Family and Protective Services within 24 hours of the beginning of the investigation or receipt of the disturbance call.

(d) A peace officer who makes a report under Subsection (a) shall provide information concerning the incident or disturbance to the bureau of identification and records of the Department of Public Safety for its recordkeeping function under Section 411.042, Government Code. The bureau shall prescribe the form and nature of the information required to be reported to the bureau by this subsection.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. 1610), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.010. ACCESS TO RECORDS. (a) Each local law enforcement agency shall establish a departmental code for identifying and retrieving a written report made under Article 5A.009(a).

(b) A district or county attorney with jurisdiction in the county where the law enforcement agency maintains records under this article or Article 5A.009(a) is entitled to access to the records.

(c) The Department of Family and Protective Services is entitled to access to the records described by Subsection (b) relating to any person who is 14 years of age or older and who resides in a licensed foster home or a verified agency foster home.

(d) On request of a victim of an incident of family violence, the local law enforcement agency responsible for investigating the incident shall provide the victim, at no cost to the victim, with any information that is:

(1) described by Article 5A.009(a)(1) or (2); and

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

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. 1610), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.011. PROSECUTOR'S NOTICE OF RESPONSIBILITY FOR FILING APPLICATIONS FOR PROTECTIVE ORDERS. The prosecuting attorney who has responsibility under Section [81.007](#), Family Code, for filing an application for a protective order under Title 4, Family Code, shall provide notice of that responsibility to all law enforcement agencies within the jurisdiction of the prosecuting attorney.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.012. PROSECUTOR'S FILING OF PROTECTIVE ORDER: PROHIBITED CONSIDERATION; AUTHORITY TO REQUIRE INFORMATION. A prosecuting attorney's decision to file an application for a protective order under Title 4, Family Code, should be made without regard to whether a criminal complaint has been filed by the applicant. A prosecuting attorney may require the applicant to provide to a local law enforcement agency information relating to the facts alleged in the application for an offense report.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.013. DELAY OR DISMISSAL OF PROSECUTION BASED ON STATUS OF CERTAIN CIVIL PROCEEDINGS PROHIBITED. A prosecuting attorney or a court may not:

(1) dismiss or delay any criminal proceeding that involves a prosecution for an offense that constitutes family violence because a civil proceeding is pending or not pending; or

(2) require proof that a complaining witness, victim, or defendant is a party to a suit for the dissolution of a marriage or a suit affecting the parent-child relationship before presenting a criminal allegation to a grand jury, filing an information, or otherwise proceeding with the prosecution of a criminal case.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01,

eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 5A.014. REFERRAL TO MEDIATION, ARBITRATION, DISPUTE RESOLUTION, OR SIMILAR PROCEDURE PROHIBITED IN CRIMINAL PROSECUTION. Notwithstanding Article [26.13](#)(g) or [42A.301](#)(b)(14), in a criminal prosecution arising from family violence a court may not refer or order the victim or the defendant involved to mediation, arbitration, dispute resolution, or another similar procedure.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.