CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 2. GENERAL DUTIES OF OFFICERS

Art. 2.025. SPECIAL DUTY OF DISTRICT OR COUNTY ATTORNEY RELATING TO CHILD SUPPORT. If a district or county attorney receives money from a person who is required by a court order to pay child support through a local registry or the Title IV-D agency and the money is presented to the attorney as payment for the court-ordered child support, the attorney shall transfer the money to the local registry or Title IV-D agency designated as the place of payment in the child support order.

Added by Acts 1999, 76th Leg., ch. 40, Sec. 1, eff. Sept. 1, 1999.

Art. 2.03. NEGLECT OF DUTY. (a)  Repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(2), eff. January 1, 2025.

(b) It is the duty of the trial court, the attorney representing the accused, the attorney representing the state and all peace officers to so conduct themselves as to insure a fair trial for both the state and the defendant, not impair the presumption of innocence, and at the same time afford the public the benefits of a free press.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722. Amended by Acts 1967, 60th Leg., p. 1733, ch. 659, Sec. 3, eff. Aug. 28, 1967.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(2), eff. January 1, 2025.

Without reference to the amendment of this article, this article was repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 3.001(1), eff. January 1, 2025.

Art. 2.09.  WHO ARE MAGISTRATES. Each of the following officers is a magistrate within the meaning of this Code: The justices of the Supreme Court, the judges of the Court of Criminal Appeals, the justices of the Courts of Appeals, the judges of the District Court, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, or Tarrant County that give preference to criminal cases, the criminal law hearing officers for Harris County appointed under Subchapter L, Chapter 54, Government Code, the criminal law hearing officers for Cameron County appointed under Subchapter BB, Chapter 54, Government Code, the magistrates or associate judges appointed by the judges of the district courts of Lubbock County, Nolan County, or Webb County, the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County, the associate judges appointed by the judges of the district courts and the county courts at law that give preference to criminal cases in Jefferson County, the magistrates appointed by the judges of the district courts and statutory county courts in Denton County, the magistrates appointed by the judges of the district courts and statutory county courts in Grayson County, the associate judges appointed by the judges of the district courts and the statutory county courts of Brazos County, Nueces County, or Williamson County, the magistrates appointed by the judges of the district courts and statutory county courts that give preference to criminal cases in Travis County, the criminal magistrates appointed by the Brazoria County Commissioners Court, the criminal magistrates appointed by the Burnet County Commissioners Court, the magistrates appointed by the El Paso Council of Judges, the county judges, the judges of the county courts at law, judges of the county criminal courts, the judges of statutory probate courts, the associate judges appointed by the judges of the statutory probate courts under Chapter 54A, Government Code, the associate judges appointed by the judge of a district court under Chapter 54A, Government Code, the magistrates appointed under Subchapter JJ, Chapter 54, Government Code, the magistrates appointed by the Collin County Commissioners Court, the magistrates appointed by the Fort Bend County Commissioners Court, the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. [891](http://capitol.texas.gov/tlodocs/86R/billtext/html/SB00891F.HTM)), Sec. 5.01, eff. September 1, 2019.

Repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(1), eff. January 1, 2025.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB03474F.HTM)), Sec. 4.001, eff. September 1, 2023.

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](http://capitol.texas.gov/tlodocs/89R/billtext/html/HB01620F.HTM), 89th Legislature, Regular Session, for amendments affecting the following section.

Art. 2.101.  MAGISTRATE'S NAME ON SIGNED ORDER. (a)  Any signed order that is issued by a magistrate under this code or any signed order pertaining to a criminal matter that is issued by a magistrate under the Family Code, the Government Code, or other law of this state must include, with the magistrate's signature, the magistrate's name in legible handwriting, legible typewritten form, or legible stamp print.

(b)  The failure of a magistrate to include the magistrate's name on an order as provided by Subsection (a) does not affect the validity of the order.

(c)  A defendant in a criminal action may make a motion to add to an order that does not comply with Subsection (a) the name of the magistrate who signed the order if:

(1)  the order is relevant to the action; and

(2)  the defendant is unable to identify the magistrate who signed the order.

(d)  The supreme court may adopt rules to implement this article.

Added by Acts 2023, 88th Leg., R.S., Ch. 421 (H.B. [1712](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB01712F.HTM)), Sec. 1, eff. September 1, 2023.

Art. 2.11. EXAMINING COURT. When the magistrate sits for the purpose of inquiring into a criminal accusation against any person, this is called an examining court.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Without reference to the amendment of this article, this article was repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 3.001(1), eff. January 1, 2025.

Art. 2.12.  WHO ARE PEACE OFFICERS.  The following are peace officers:

(1)  sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2)  constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3)  marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4)  rangers, officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5)  investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

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

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

(8)  officers commissioned under Section 37.081 or 37.0818, Education Code, or Subchapter E, Chapter 51, Education Code;

(9)  officers commissioned by the General Services Commission;

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

(11)  officers commissioned under Chapter 23, Transportation Code;

(12)  municipal park and recreational patrolmen and security officers;

(13)  security officers and investigators commissioned as peace officers by the comptroller;

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

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

(16)  investigators commissioned by the Texas Medical Board;

(17)  officers commissioned by:

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

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

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

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

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

(19)  investigators employed by the Texas Racing Commission;

(20)  officers commissioned under Chapter 554, Occupations Code;

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

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

(23)  security officers and investigators commissioned as peace officers under Chapter 466, Government Code;

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

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

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

(27)  officers appointed by the inspector general of the Texas Juvenile Justice Department under Section 242.102, Human Resources Code;

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

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

(30)  commission investigators commissioned by the Texas Private Security Board under Section 1702.061, Occupations Code;

(31)  the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;

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

(33)  the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code;

Text of subdivision as added by Acts 2023, 88th Leg., R.S., Ch. 870 (H.B. [3981](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB03981F.HTM)), Sec. 1

(35)  fire marshals and any related officers, inspectors, or investigators of a municipality who hold a permanent peace officer license issued under Chapter 1701, Occupations Code; and

Text of subdivision as added by Acts 2023, 88th Leg., R.S., Ch. 984 (S.B. [2612](http://capitol.texas.gov/tlodocs/88R/billtext/html/SB02612F.HTM)), Sec. 1

(35)  Alamo complex rangers commissioned by the General Land Office under Section 31.0515, Natural Resources Code, subject to the limitations imposed by that section.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722. Amended by Acts 1967, 60th Leg., p. 1734, ch. 659, Sec. 5, eff. Aug. 28, 1967; Acts 1971, 62nd Leg., p. 1116, ch. 246, Sec. 3, eff. May 17, 1971; Acts 1973, 63rd Leg., p. 9, ch. 7, Sec. 2, eff. Aug. 27, 1973; Acts 1973, 63rd Leg., p. 1259, ch. 459, Sec. 1, eff. Aug. 27, 1973; Acts 1975, 64th Leg., p. 480, ch. 204, Sec. 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 618, ch. 227, Sec. 2, eff. May 24, 1977; Acts 1977, 65th Leg., p. 1082, ch. 396, Sec.1, eff. Aug. 29, 1977.

Amended by Acts 1983, 68th Leg., p. 545, ch. 114, Sec. 1, eff. May 17, 1983; Acts 1983, 68th Leg., p. 4358, ch. 699, Sec. 11, eff. June 19, 1983; Acts 1983, 68th Leg., p. 4901, ch. 867, Sec. 2, eff. June 19, 1983; Acts 1983, 68th Leg., p. 5303, ch. 974, Sec. 11, eff. Aug. 29, 1983; Acts 1985, 69th Leg., ch. 384, Sec. 2, eff. Aug. 26, 1985; Acts 1985, 69th Leg., ch. 907, Sec. 6, eff. Sept. 1, 1985; Acts 1986, 69th Leg., 2nd C.S., ch. 19, Sec. 4, eff. Dec. 4, 1986; Acts 1987, 70th Leg., ch. 262, Sec. 20, eff. Sept. 1, 1987; Acts 1987, 70th Leg., ch. 350, Sec. 1, eff. Aug. 31, 1987; Acts 1989, 71st Leg., ch. 277, Sec. 4, eff. June 14, 1989; Acts 1989, 71st Leg., ch. 794, Sec. 1, eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 1104, Sec. 4, eff. June 16, 1989; Acts 1991, 72nd Leg., ch. 16, Sec. 4.02, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 228, Sec. 1, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 287, Sec. 24, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 386, Sec. 70, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 446, Sec. 1, eff. June 11, 1991; Acts 1991, 72nd Leg., ch. 544, Sec. 1, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 545, Sec. 2, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 597, Sec. 57, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 853, Sec. 2, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., 1st C.S., ch. 6, Sec. 6; Acts 1991, 72nd Leg., 1st C.S., ch. 14, Sec. 3.01, eff. Nov. 12, 1991; Acts 1993, 73rd Leg., ch. 107, Sec. 4.07, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 116, Sec. 1, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 339, Sec. 2, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 695, Sec. 2, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 912, Sec. 25, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 260, Sec. 10, eff. May 30, 1995; Acts 1995, 74th Leg., ch. 621, Sec. 2, eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 729, Sec. 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 4.01, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 90, Sec. 1, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 322, Sec. 2, eff. May 29, 1999; Acts 1999, 76th Leg., ch. 882, Sec. 2, eff. June 18, 1999; Acts 1999, 76th Leg., ch. 974, Sec. 37, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 272, Sec. 7, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 442, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 669, Sec. 8, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, Sec. 3.001, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 235, Sec. 16, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 474, Sec. 1, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 930, Sec. 12, eff. Sept. 1, 2003.

Reenacted and amended by Acts 2005, 79th Leg., Ch. 728 (H.B. [2018](http://capitol.texas.gov/tlodocs/79R/billtext/html/HB02018F.HTM)), Sec. 4.001, eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 908 (H.B. [2884](http://capitol.texas.gov/tlodocs/80R/billtext/html/HB02884F.HTM)), Sec. 1, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1164 (H.B. [3201](http://capitol.texas.gov/tlodocs/81R/billtext/html/HB03201F.HTM)), Sec. 1, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 85 (S.B. [653](http://capitol.texas.gov/tlodocs/82R/billtext/html/SB00653F.HTM)), Sec. 3.001, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 402 (S.B. [601](http://capitol.texas.gov/tlodocs/82R/billtext/html/SB00601F.HTM)), Sec. 2, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 584 (H.B. [3815](http://capitol.texas.gov/tlodocs/82R/billtext/html/HB03815F.HTM)), Sec. 2, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. [2702](http://capitol.texas.gov/tlodocs/82R/billtext/html/HB02702F.HTM)), Sec. 5, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 8 (S.B. [543](http://capitol.texas.gov/tlodocs/83R/billtext/html/SB00543F.HTM)), Sec. 2, eff. May 2, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. [686](http://capitol.texas.gov/tlodocs/83R/billtext/html/SB00686F.HTM)), Sec. 2.01, eff. May 18, 2013.

Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. [11](http://capitol.texas.gov/tlodocs/84R/billtext/html/HB00011F.HTM)), Sec. 1, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 34 (S.B. [319](http://capitol.texas.gov/tlodocs/86R/billtext/html/SB00319F.HTM)), Sec. 2, eff. May 14, 2019.

Acts 2021, 87th Leg., R.S., Ch. 404 (S.B. [1550](http://capitol.texas.gov/tlodocs/87R/billtext/html/SB01550F.HTM)), Sec. 1, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 624 (H.B. [4372](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04372F.HTM)), Sec. 2, eff. September 1, 2023.

Repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(1), eff. January 1, 2025.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 870 (H.B. [3981](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB03981F.HTM)), Sec. 1, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 950 (S.B. [1727](http://capitol.texas.gov/tlodocs/88R/billtext/html/SB01727F.HTM)), Sec. 1, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 984 (S.B. [2612](http://capitol.texas.gov/tlodocs/88R/billtext/html/SB02612F.HTM)), Sec. 1, eff. September 1, 2023.

Without reference to the amendment of this article, this article was repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(1), eff. January 1, 2025.

Art. 2.122. SPECIAL INVESTIGATORS. (a)  The following named criminal investigators of the United States shall not be deemed peace officers, but shall have the powers of arrest, search, and seizure under the laws of this state as to felony offenses only:

(1)  Special Agents of the Federal Bureau of Investigation;

(2)  Special Agents of the Secret Service;

(3)  Special Agents of the United States Immigration and Customs Enforcement;

(4)  Special Agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(5)  Special Agents of the United States Drug Enforcement Administration;

(6)  Inspectors of the United States Postal Inspection Service;

(7)  Special Agents of the Criminal Investigation Division of the Internal Revenue Service;

(8)  Civilian Special Agents of the United States Naval Criminal Investigative Service;

(9)  Marshals and Deputy Marshals of the United States Marshals Service;

(10)  Special Agents of the United States Department of State, Bureau of Diplomatic Security;

(11)  Special Agents of the Treasury Inspector General for Tax Administration;

(12)  Special Agents of the Office of Inspector General of the United States Social Security Administration;

(13)  Special Agents of the Office of Inspector General of the United States Department of Veterans Affairs;

(14)  Special Agents of the Office of Inspector General of the United States Department of Agriculture;

(15)  Special Agents of the Office of Export Enforcement of the United States Department of Commerce;

(16)  Special Agents of the Criminal Investigation Command of the United States Army;

(17)  Special Agents of the Office of Special Investigations of the United States Air Force; and

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

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

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

(c-1)  In addition to the power granted under Subsection (c), a Border Patrol Agent of the United States Customs and Border Protection who completed the training program described by Section 411.02093, Government Code, has the powers of arrest and search and seizure as to any felony offense under the laws of this state if the arrest, search, or seizure:

(1)  occurs on the premises of a port facility designated by the commissioner of the United States Customs and Border Protection as a port of entry or at a border patrol traffic checkpoint; and

(2)  is incident to a detainment under federal law.

(d)  A commissioned law enforcement officer of the National Park Service is not a peace officer under the laws of this state, except that the officer has the powers of arrest, search, and seizure as to any offense under the laws of this state committed within the boundaries of a national park or national recreation area. In this subsection, "national park or national recreation area" means a national park or national recreation area included in the National Park System as defined by 16 U.S.C. Section 1c(a).

(e)  A Special Agent or Law Enforcement Officer of the United States Forest Service is not a peace officer under the laws of this state, except that the agent or officer has the powers of arrest, search, and seizure as to any offense under the laws of this state committed within the National Forest System. In this subsection, "National Forest System" has the meaning assigned by 16 U.S.C. Section 1609.

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

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

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

(2)  any criminal offense under federal law.

Added by Acts 1985, 69th Leg., ch. 543, Sec. 1, eff. Sept. 1, 1985. Renumbered from art. 2.121 and amended by Acts 1987, 70th Leg., ch. 503, Sec. 1, eff. Aug. 31, 1987; Acts 1987, 70th Leg., ch. 854, Sec. 1, eff. Aug. 31, 1987. Amended by Acts 1989, 71st Leg., ch. 841, Sec. 1, eff. June 14, 1989; Acts 1993, 73rd Leg., ch. 927, Sec. 1, eff. June 19, 1993; Subsec. (a) amended by Acts 1997, 75th Leg., ch. 717, Sec. 1, eff. June 17, 1997; Subsec. (c) added by Acts 1997, 75th Leg., ch. 290, Sec. 1, eff. May 26, 1997; Subsec. (a) amended by Acts 1999, 76th Leg., ch. 197, Sec. 1, eff. May 24, 1999; Subsec. (c) amended by Acts 1999, 76th Leg., ch. 863, Sec. 1, eff. June 18, 1999; Subsec. (d) added by Acts 1999, 76th Leg., ch. 197, Sec. 1, eff. May 24, 1999; added by Acts 1999, 76th Leg., ch. 628, Sec. 1, eff. June 18, 1999; Subsec. (e) relettered from subsec. (d) by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(7), eff. Sept. 1, 2001; Subsec. (f) added by Acts 2003, 78th Leg., ch. 1237, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1337 (S.B. [9](http://capitol.texas.gov/tlodocs/79R/billtext/html/SB00009F.HTM)), Sec. 5, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. 732 (S.B. [390](http://capitol.texas.gov/tlodocs/81R/billtext/html/SB00390F.HTM)), Sec. 1, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1223 (S.B. [530](http://capitol.texas.gov/tlodocs/82R/billtext/html/SB00530F.HTM)), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1319 (S.B. [150](http://capitol.texas.gov/tlodocs/82R/billtext/html/SB00150F.HTM)), Sec. 1, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 741 (S.B. [284](http://capitol.texas.gov/tlodocs/83R/billtext/html/SB00284F.HTM)), Sec. 1, eff. June 14, 2013.

Acts 2019, 86th Leg., R.S., Ch. 1311 (H.B. [3863](http://capitol.texas.gov/tlodocs/86R/billtext/html/HB03863F.HTM)), Sec. 1, eff. June 14, 2019.

Acts 2021, 87th Leg., R.S., Ch. 904 (H.B. [3452](http://capitol.texas.gov/tlodocs/87R/billtext/html/HB03452F.HTM)), Sec. 1, eff. June 16, 2021.

Acts 2023, 88th Leg., R.S., Ch. 196 (S.B. [602](http://capitol.texas.gov/tlodocs/88R/billtext/html/SB00602F.HTM)), Sec. 1, eff. September 1, 2023.

Repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(1), eff. January 1, 2025.

Without reference to the amendment of this article, this article was repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(1), eff. January 1, 2025.

Art. 2.13. DUTIES AND POWERS. (a) It is the duty of every peace officer to preserve the peace within the officer's jurisdiction. To effect this purpose, the officer shall use all lawful means.

(b) The officer shall:

(1) in every case authorized by the provisions of this Code, interfere without warrant to prevent or suppress crime;

(2) execute all lawful process issued to the officer by any magistrate or court;

(3) give notice to some magistrate of all offenses committed within the officer's jurisdiction, where the officer has good reason to believe there has been a violation of the penal law; and

(4) arrest offenders without warrant in every case where the officer is authorized by law, in order that they may be taken before the proper magistrate or court and be tried.

(c)  It is the duty of every officer to take possession of a child under Article 63.00905(g).

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

(1)  investigate the offense; or

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

(e)  Subsection (d) does not prevent a peace officer from:

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

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

(f)  On a request made by that office, a peace officer shall execute an emergency detention order issued by the Texas Civil Commitment Office under Section 841.0837, Health and Safety Code.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by Acts 1999, 76th Leg., ch. 685, Sec. 1, eff. Sept. 1, 1999; Subsec. (c) amended by Acts 2003, 78th Leg., ch. 1276, Sec. 5.0005, eff. Sept. 1, 2003.

Added by Acts 2017, 85th Leg., R.S., Ch. [4](http://capitol.texas.gov/tlodocs/85R/billtext/html/SB00004F.HTM), Sec. 6.01, eff. September 1, 2017.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 4 (S.B. [4](http://capitol.texas.gov/tlodocs/85R/billtext/html/SB00004F.HTM)), Sec. 6.01, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](http://capitol.texas.gov/tlodocs/85R/billtext/html/SB01576F.HTM)), Sec. 3, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. [4170](http://capitol.texas.gov/tlodocs/86R/billtext/html/HB04170F.HTM)), Sec. 21.001(2), eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 729 (H.B. [2660](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB02660F.HTM)), Sec. 2, eff. September 1, 2023.

Repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(1), eff. January 1, 2025.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 979 (S.B. [2429](http://capitol.texas.gov/tlodocs/88R/billtext/html/SB02429F.HTM)), Sec. 1, eff. September 1, 2023.

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](http://capitol.texas.gov/tlodocs/89R/billtext/html/HB01620F.HTM), 89th Legislature, Regular Session, for amendments affecting the following section.

Art. 2.1398.  DUTIES OF PEACE OFFICER INVESTIGATING STALKING, HARASSMENT, OR TERRORISTIC THREAT. (a)  In this article:

(1)  "Harassment" means any conduct that constitutes an offense under Section 42.07, Penal Code.

(2)  "Stalking" means any conduct that constitutes an offense under Section 42.072, Penal Code.

(3)  "Terroristic threat" means any conduct that constitutes an offense under Section 22.07, Penal Code.

(b)  A peace officer who investigates an allegation of stalking, harassment, or terroristic threat shall advise any possible adult victim of all reasonable means to prevent the occurrence of further offenses, including by providing the written notice adopted by the Health and Human Services Commission under Section 51A.003, Human Resources Code.  In addition to the required notice under this subsection, a peace officer may provide to the possible victim any available written information regarding local resources for victims of stalking, harassment, or terroristic threat.

Added by Acts 2023, 88th Leg., R.S., Ch. 24 (S.B. [1325](http://capitol.texas.gov/tlodocs/88R/billtext/html/SB01325F.HTM)), Sec. 3, eff. May 13, 2023.

Without reference to the amendment of this article, this article was repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(1), eff. January 1, 2025.

Art. 2.21. DUTY OF CLERKS. (a) In a criminal proceeding, a clerk of the district or county court shall:

(1)  receive and file all papers;

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

(3)  issue all process;

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

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

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

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

(b)  At any time during or after a criminal proceeding, the court reporter shall release for safekeeping any firearm or contraband received as an exhibit in that proceeding to:

(1)  the sheriff; or

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

(c) The sheriff or the law enforcement agency, as applicable, shall receive and hold the exhibits consisting of firearms or contraband and release them only to the person or persons authorized by the court in which such exhibits have been received or dispose of them as provided by Chapter 18.

(d) In this article, "eligible exhibit" means an exhibit filed with the clerk that:

(1) is not a firearm or contraband;

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

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

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

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

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

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

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

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

(f-1)  Notwithstanding Section 263.156, Local Government Code, or any other law, the commissioners court shall remit 50 percent of any proceeds of the disposal of an eligible exhibit as surplus or salvage property as described by Subsection (f), less the reasonable expense of keeping the exhibit before disposal and the costs of that disposal, to each of the following:

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

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

(g)  A clerk in a county with a population of less than 2.5 million must provide written notice by mail to the attorney representing the state in the case and the attorney representing the defendant before disposing of an eligible exhibit.

(h) The notice under Subsection (g) of this article must:

(1) describe the eligible exhibit;

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

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

(i)  If a request is not received by a clerk covered by Subsection (g) before the 31st day after the date of notice, the clerk may dispose of the eligible exhibit in the manner permitted by this article, including the delivery of the eligible exhibit for disposal as surplus or salvage property as described by Subsection (f).

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

(k)  In this article, "digital multimedia evidence" means evidence stored or transmitted in a binary form and includes data representing documents, audio, video metadata, and any other information attached to a digital file.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by Acts 1979, 66th Leg., p. 212, ch. 119, Sec. 1, eff. Aug. 27, 1979; Acts 1993, 73rd Leg., ch. 967, Sec. 1, eff. Sept. 1, 1993; Subsecs. (a), (b) amended by Acts 1999, 76th Leg., ch. 580, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1026 (H.B. [1048](http://capitol.texas.gov/tlodocs/79R/billtext/html/HB01048F.HTM)), Sec. 1, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 795 (S.B. [1259](http://capitol.texas.gov/tlodocs/81R/billtext/html/SB01259F.HTM)), Sec. 10, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 829 (S.B. [1774](http://capitol.texas.gov/tlodocs/81R/billtext/html/SB01774F.HTM)), Sec. 1, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 911 (S.B. [1228](http://capitol.texas.gov/tlodocs/82R/billtext/html/SB01228F.HTM)), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. [2702](http://capitol.texas.gov/tlodocs/82R/billtext/html/HB02702F.HTM)), Sec. 6, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 946 (H.B. [1728](http://capitol.texas.gov/tlodocs/83R/billtext/html/HB01728F.HTM)), Sec. 2, eff. June 14, 2013.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](http://capitol.texas.gov/tlodocs/86R/billtext/html/HB04173F.HTM)), Sec. 2.06, eff. January 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 644 (H.B. [4559](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04559F.HTM)), Sec. 7, eff. September 1, 2023.

Repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(1), eff. January 1, 2025.

Art. 2.24. AUTHENTICATING OFFICER. (a) The governor may appoint an authenticating officer, in accordance with Subsection (b) of this article, and delegate to that officer the power to sign for the governor or to use the governor's facsimile signature for signing any document that does not have legal effect under this code unless it is signed by the governor.

(b) To appoint an authenticating officer under this article, the governor shall file with the secretary of state a document that contains:

(1) the name of the person to be appointed as authenticating officer and a copy of the person's signature;

(2) the types of documents the authenticating officer is authorized to sign for the governor; and

(3) the types of documents on which the authenticating officer is authorized to use the governor's facsimile signature.

(c) The governor may revoke an appointment made under this article by filing with the secretary of state a document that expressly revokes the appointment of the authenticating agent.

(d) If an authenticating officer signs a document described in Subsection (a) of this article, the officer shall sign in the following manner: "\_\_\_\_\_\_\_\_\_\_, Authenticating Officer for Governor \_\_\_\_\_\_\_\_\_\_."

(e) If a provision of this code requires the governor's signature on a document before that document has legal effect, the authorized signature of the authenticating officer or an authorized facsimile signature of the governor gives the document the same legal effect as if it had been signed manually by the governor.

Added by Acts 1983, 68th Leg., p. 4289, ch. 684, Sec. 1, eff. June 19, 1983.

Art. 2.26.  DIGITAL SIGNATURE AND ELECTRONIC DOCUMENTS. (a) In this section, "digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature.

(b)  An electronically transmitted document issued or received by a court or a clerk of the court in a criminal matter is considered signed if a digital signature is transmitted with the document.

(b-1)  An electronically transmitted document is a written document for all purposes and exempt from any additional writing requirement under this code or any other law of this state.

(c)  This section does not preclude any symbol from being valid as a signature under other applicable law, including Section 1.201(b)(37), Business & Commerce Code.

(d) The use of a digital signature under this section is subject to criminal laws pertaining to fraud and computer crimes, including Chapters 32 and 33, Penal Code.

Added by Acts 1999, 76th Leg., ch. 701, Sec. 1, eff. Aug. 30, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 312 (S.B. [611](http://capitol.texas.gov/tlodocs/79R/billtext/html/SB00611F.HTM)), Sec. 1, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. 312 (S.B. [611](http://capitol.texas.gov/tlodocs/79R/billtext/html/SB00611F.HTM)), Sec. 2, eff. June 17, 2005.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. [3607](http://capitol.texas.gov/tlodocs/87R/billtext/html/HB03607F.HTM)), Sec. 4.001, eff. September 1, 2021.

Without reference to the amendment of this article, this article was repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(1), eff. January 1, 2025.

Art. 2.305.  REPORT REQUIRED CONCERNING HUMAN TRAFFICKING CASES. (a)  This article applies only to:

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

(2)  the Department of Public Safety.

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

(1)  the offense being investigated, including the offense code designated by the Department of Public Safety under Article 66.052;

(2)  regarding each person suspected of committing the offense:

(A)  the person's:

(i)  full name;

(ii)  gender;

(iii)  race or ethnicity, as defined by Article 2.132;

(iv)  country of origin, if the person is not a United States citizen or legal permanent resident;

(v)  date of birth; and

(vi)  age at the time of the offense, if available; and

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

(3)  the date and location of the alleged offense, including the city and county;

(4)  the disposition of the investigation, if any, regardless of the manner of disposition; and

(5)  regarding the victim of the offense:

(A)  the victim's:

(i)  age;

(ii)  gender;

(iii)  race or ethnicity, as defined by Article 2.132; and

(iv)  country of origin, if the victim is not a United States citizen or legal permanent resident; and

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

(c)  An entity described by Subsection (a) that does not have any investigations or offenses required to be reported under this article during a period specified by the attorney general shall submit to the attorney general a notice stating there are no cases to report, in the manner and form prescribed by the attorney general.

(d)  The attorney general may enter into a contract with a university or organization to assist with the collection and analysis of information received under this article.  The attorney general shall ensure that all sensitive information is properly protected.

(e)  Information described by Subsections (b)(2)(A)(i) and (v) and (b)(2)(B) is not subject to disclosure under Chapter 552, Government Code.

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

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

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

Added by Acts 2019, 86th Leg., R.S., Ch. 1303 (H.B. [3800](http://capitol.texas.gov/tlodocs/86R/billtext/html/HB03800F.HTM)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 856 (S.B. [800](http://capitol.texas.gov/tlodocs/87R/billtext/html/SB00800F.HTM)), Sec. 1, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 93 (S.B. [1527](http://capitol.texas.gov/tlodocs/88R/billtext/html/SB01527F.HTM)), Sec. 4.01, eff. September 1, 2023.

Repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](http://capitol.texas.gov/tlodocs/88R/billtext/html/HB04504F.HTM)), Sec. 3.001(1), eff. January 1, 2025.