

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Code of Criminal Procedure
Chapter 2A
9/1/22

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Revised Law

34 Art. 2A.001. PEACE OFFICERS GENERALLY. The following are

1 peace officers:

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

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

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

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

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

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

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

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

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

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

26 (11) an officer commissioned under Chapter 23,
27 Transportation Code;

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

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

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

34 (15) an officer commissioned by a board of trustees

- 1 under Chapter 54, Transportation Code;
- 2 (16) an investigator commissioned by the Texas Medical
3 Board;
- 4 (17) an officer commissioned by:
- 5 (A) the board of managers of the Dallas County
6 Hospital District, the Tarrant County Hospital District, the Bexar
7 County Hospital District, or the El Paso County Hospital District
8 under Section 281.057, Health and Safety Code;
- 9 (B) the board of directors of the Ector County
10 Hospital District under Section 1024.117, Special District Local
11 Laws Code;
- 12 (C) the board of directors of the Midland County
13 Hospital District of Midland County, Texas, under Section 1061.121,
14 Special District Local Laws Code; or
- 15 (D) the board of hospital managers of the Lubbock
16 County Hospital District of Lubbock County, Texas, under Section
17 1053.113, Special District Local Laws Code;
- 18 (18) a county park ranger commissioned under
19 Subchapter E, Chapter 351, Local Government Code;
- 20 (19) an investigator employed by the Texas Racing
21 Commission;
- 22 (20) an officer commissioned under Chapter 554,
23 Occupations Code;
- 24 (21) an officer commissioned by the governing body of
25 a metropolitan rapid transit authority under Section 451.108,
26 Transportation Code, or a regional transportation authority under
27 Section 452.110, Transportation Code;
- 28 (22) an investigator commissioned by the attorney
29 general under Section 402.009, Government Code;
- 30 (23) a security officer or investigator commissioned
31 as a peace officer under Chapter 466, Government Code;
- 32 (24) an officer appointed by an appellate court under
33 Subchapter F, Chapter 53, Government Code;
- 34 (25) an officer commissioned by the state fire marshal

1 under Chapter 417, Government Code;

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

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

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

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

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

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

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

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

25 Source Law

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

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

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

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

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

1 of Public Safety;
2 (5) investigators of the district
3 attorneys', criminal district attorneys', and county
4 attorneys' offices;
5 (6) law enforcement agents of the Texas
6 Alcoholic Beverage Commission;
7 (7) each member of an arson investigating
8 unit commissioned by a city, a county, or the state;
9 (8) officers commissioned under Section
10 37.081, Education Code, or Subchapter E, Chapter 51,
11 Education Code;
12 (9) officers commissioned by the General
13 Services Commission;
14 (10) law enforcement officers
15 commissioned by the Parks and Wildlife Commission;
16 (11) officers commissioned under Chapter
17 23, Transportation Code;
18 (12) municipal park and recreational
19 patrolmen and security officers;
20 (13) security officers and investigators
21 commissioned as peace officers by the comptroller;
22 (14) officers commissioned by a water
23 control and improvement district under Section 49.216,
24 Water Code;
25 (15) officers commissioned by a board of
26 trustees under Chapter 54, Transportation Code;
27 (16) investigators commissioned by the
28 Texas Medical Board;
29 (17) officers commissioned by:
30 (A) the board of managers of the
31 Dallas County Hospital District, the Tarrant County
32 Hospital District, the Bexar County Hospital District,
33 or the El Paso County Hospital District under Section
34 281.057, Health and Safety Code;
35 (B) the board of directors of the
36 Ector County Hospital District under Section 1024.117,
37 Special District Local Laws Code;
38 (C) the board of directors of the
39 Midland County Hospital District of Midland County,
40 Texas, under Section 1061.121, Special District Local
41 Laws Code; and
42 (D) the board of hospital managers of
43 the Lubbock County Hospital District of Lubbock
44 County, Texas, under Section 1053.113, Special
45 District Local Laws Code;
46 (18) county park rangers commissioned
47 under Subchapter E, Chapter 351, Local Government
48 Code;
49 (19) investigators employed by the Texas
50 Racing Commission;
51 (20) officers commissioned under Chapter
52 554, Occupations Code;
53 (21) officers commissioned by the
54 governing body of a metropolitan rapid transit
55 authority under Section 451.108, Transportation Code,
56 or by a regional transportation authority under
57 Section 452.110, Transportation Code;
58 (22) investigators commissioned by the
59 attorney general under Section 402.009, Government
60 Code;
61 (23) security officers and investigators
62 commissioned as peace officers under Chapter 466,
63 Government Code;
64 (24) officers appointed by an appellate
65 court under Subchapter F, Chapter 53, Government Code;
66 (25) officers commissioned by the state
67 fire marshal under Chapter 417, Government Code;
68 (26) an investigator commissioned by the

1 commissioner of insurance under Section 701.104,
2 Insurance Code;

3 (27) apprehension specialists and
4 inspectors general commissioned by the Texas Juvenile
5 Justice Department as officers under Sections 242.102
6 and 243.052, Human Resources Code;

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

10 (29) investigators commissioned by the
11 Texas Commission on Law Enforcement under Section
12 1701.160, Occupations Code;

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

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

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

24 (33) investigators commissioned by the
25 Texas Juvenile Justice Department as officers under
26 Section 221.011, Human Resources Code; and

27 (34) the fire marshal and any related
28 officers, inspectors, or investigators commissioned
29 by a county under Subchapter B, Chapter 352, Local
30 Government Code.

31 Revisor's Note

32 (1) Article 2.12(3), Code of Criminal
33 Procedure, refers to "an incorporated city, town, or
34 village." Throughout this chapter, the revised law
35 substitutes "municipality" for "city," "town," or
36 "village" because the terms are synonymous and
37 "municipality" is the term used in the Local
38 Government Code. The revised law also omits
39 "incorporated" because, under the Local Government
40 Code, all municipalities must be incorporated.

41 (2) Article 2.12(9), Code of Criminal
42 Procedure, refers to the "General Services
43 Commission." In 2001, the General Services Commission
44 was abolished and that agency's duties were given to
45 the newly created Texas Facilities Commission and the
46 comptroller. Under Section 2151.003, Government Code,
47 a reference to the "General Services Commission" means
48 the Texas Facilities Commission or the comptroller
49 depending on the context of the reference. The revised

1 law substitutes "Texas Facilities Commission" for
2 "General Services Commission" because the duties of
3 the General Services Commission with respect to the
4 charge and control of state buildings, grounds, or
5 property were transferred to the Texas Facilities
6 Commission. Further, under Article 2.12(13), Code of
7 Criminal Procedure, the comptroller has separate
8 authority to commission peace officers.

9 (3) Article 2.12(30), Code of Criminal
10 Procedure, provides that "commission investigators
11 commissioned by the Texas Private Security Board under
12 Section 1702.061, Occupations Code" are peace
13 officers. The revised law omits the quoted language
14 because the provision of Section 1702.061, Occupations
15 Code, expressly providing for the commissioning of
16 officers by the Texas Private Security Board was
17 repealed by Section 4.17, Chapter 1146 (H.B. 2730),
18 Acts of the 81st Legislature, Regular Session, 2009.

19 Revised Law

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

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

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

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

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

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

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

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

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

32 (c) A customs and border protection officer or border patrol
33 agent of United States Customs and Border Protection or an
34 immigration enforcement agent or deportation officer of the

1 Department of Homeland Security is not a peace officer under the
2 laws of this state but, on the premises of a port facility
3 designated by the commissioner of United States Customs and Border
4 Protection as a port of entry for arrival in the United States by
5 land transportation from the United Mexican States into this state
6 or at a permanent established border patrol traffic checkpoint, has
7 the authority to detain a person pending transfer without
8 unnecessary delay to a peace officer if the agent or officer has
9 probable cause to believe that the person has engaged in conduct
10 that is a violation of Section 49.02, 49.04, 49.07, or 49.08, Penal
11 Code, regardless of whether the violation may be disposed of in a
12 criminal proceeding or a juvenile justice proceeding.

13 (d) A commissioned law enforcement officer of the National
14 Park Service is not a peace officer under the laws of this state but
15 has the powers of arrest, search, and seizure as to any offense
16 under the laws of this state committed in a national park or
17 national recreation area. In this subsection, "national park or
18 national recreation area" means a national park or national
19 recreation area included in the National Park System as defined by
20 54 U.S.C. Section 100102.

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

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

1 (g) In addition to the powers of arrest, search, and seizure
2 under Subsection (a), a special agent of the Secret Service
3 protecting or investigating a threat against a person described by
4 18 U.S.C. Section 3056(a) has the powers of arrest, search, and
5 seizure as to:

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

8 (2) any criminal offense under federal law. (Code
9 Crim. Proc., Art. 2.122.)

10 Source Law

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

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

18 (2) Special Agents of the Secret Service;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) An officer or agent designated by the
2 Secretary of Homeland Security under 40 U.S.C. Section
3 1315 for duty in connection with the protection of
4 property owned or occupied by the federal government
5 and persons on the property is not a peace officer but
6 has the powers of arrest and search and seizure as to
7 any offense under the laws of this state.

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

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

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

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

57 (g) In addition to the powers of arrest, search,
58 and seizure under Subsection (a), a Special Agent of
59 the Secret Service protecting a person described by 18
60 U.S.C. Section 3056(a) or investigating a threat
61 against a person described by 18 U.S.C. Section
62 3056(a) has the powers of arrest, search, and seizure
63 as to:

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

66 (2) any criminal offense under federal
67 law.

1 Revisor's Note

2 Article 2.122(d), Code of Criminal Procedure,
3 defines "national park or national recreation area" as
4 a national park or national recreation area included
5 in the National Park System as defined by "16 U.S.C.
6 Section 1c(a)." The revised law substitutes a
7 reference to 54 U.S.C. Section 100102 because Pub. L.
8 No. 113-287 repealed 16 U.S.C. Section 1c(a) and
9 enacted 54 U.S.C. Section 100102, which contains the
10 substance of the referenced definition.

11 Revised Law

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

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

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

19 (1) within the tribe's reservation:

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

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

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

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

28 (B) is assisting another law enforcement agency.

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

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

34 (1) the minimum standards required of peace officers

1 by the Texas Commission on Law Enforcement relating to competence,
2 reliability, education, training, morality, and physical and
3 mental health; and

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

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

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

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

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

18 Source Law

19 Art. 2.126. PEACE OFFICERS COMMISSIONED BY THE
20 ALABAMA-COUSHATTA TRIBE OF TEXAS AND THE KICKAPOO
21 TRADITIONAL TRIBE OF TEXAS. (a) The tribal council of
22 the Alabama-Coushatta Tribe of Texas or the tribal
23 council of the Kickapoo Traditional Tribe of Texas is
24 authorized to employ and commission peace officers for
25 the purpose of enforcing state law within the
26 boundaries of the tribe's reservation.

27 (b) Within the boundaries of the tribe's
28 reservation, a peace officer commissioned under this
29 article:

30 (1) is vested with all the powers,
31 privileges, and immunities of peace officers;

32 (2) may, in accordance with Chapter 14,
33 arrest without a warrant any person who violates a law
34 of the state; and

35 (3) may enforce all traffic laws on
36 streets and highways.

37 (c) Outside the boundaries of the tribe's
38 reservation, a peace officer commissioned under this
39 article is vested with all the powers, privileges, and
40 immunities of peace officers and may arrest any person
41 who violates any law of the state if the peace officer:

42 (1) is summoned by another law enforcement
43 agency to provide assistance; or

44 (2) is assisting another law enforcement
45 agency.

46 (d) Any officer assigned to duty and
47 commissioned under this article shall take and file
48 the oath required of peace officers and shall execute
49 and file a good and sufficient bond in the sum of

1 \$1,000, payable to the governor, with two or more good
2 and sufficient sureties, conditioned that the officer
3 will fairly, impartially, and faithfully perform the
4 duties as may be required of the officer by law. The
5 bond may be sued on from time to time in the name of the
6 person injured until the whole amount is recovered.

7 (e) Any person commissioned under this article
8 must:

9 (1) meet the minimum standards required of
10 peace officers by the commission relating to
11 competence, reliability, education, training,
12 morality, and physical and mental health; and

13 (2) meet all standards for certification
14 as a peace officer by the Texas Commission on Law
15 Enforcement.

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

19 Revisor's Note

20 (1) Article 2.126(a), Code of Criminal
21 Procedure, provides that certain tribal councils
22 "[are] authorized to" employ and commission peace
23 officers for certain purposes. Throughout this
24 chapter, the revised law substitutes "may" for the
25 quoted language because that term is more concise and
26 is the substantive equivalent of the quoted language.

27 (2) Article 2.126(b)(1), Code of Criminal
28 Procedure, provides that a peace officer commissioned
29 under that article "is vested with" certain powers.
30 The revised law substitutes "has" for the quoted
31 language because the act of commissioning a peace
32 officer vests certain powers, privileges, and
33 immunities in the officer and, once vested, the
34 officer has those powers, privileges, and immunities.

35 (3) Article 2.126(d), Code of Criminal
36 Procedure, provides that a certain bond may be sued on
37 "from time to time." The revised law omits "from time
38 to time" because the power to take an action includes
39 the power to act at any time.

40 (4) Article 2.126(e), Code of Criminal
41 Procedure, refers to "[a]ny person commissioned under
42 this article." The revised law substitutes "peace
43 officer" for the reference to "any person" to provide

1 consistency in phrasing and because it is clear from
2 the context that the law is referring to a peace
3 officer commissioned under that article.

4 (5) Article 2.126(e), Code of Criminal
5 Procedure, provides that a person commissioned under
6 that article must meet the minimum standards required
7 of peace officers by the "commission" relating to
8 competence, reliability, education, training,
9 morality, and physical and mental health as well as all
10 standards for "certification" as a peace officer by
11 the Texas Commission on Law Enforcement. Section
12 1701.151, Occupations Code, authorizes the Texas
13 Commission on Law Enforcement to set standards
14 relating to competence and reliability, including
15 education, training, physical, mental, and moral
16 standards, for licensing as a peace officer.
17 Therefore, it is clear from the context that the
18 "commission" requiring these standards is the Texas
19 Commission on Law Enforcement. Additionally,
20 throughout this chapter, the revised law substitutes
21 "licensing" for "certification" because the former is
22 more consistent with the terminology used in Chapter
23 1701, Occupations Code, which regulates the licensing
24 of peace officers.

25 Revised Law

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

31 (1) only:

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

34 (i) transporting the inmate or defendant

1 from a county in the adjoining state that is on the border between
2 the two states to a hospital or other medical facility in a county
3 in this state that is on the border between the two states; or

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

8 (B) to the extent necessary to:

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

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

15 (2) only while the officer is:

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

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

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

26 Source Law

27 Art. 2.124. PEACE OFFICERS FROM ADJOINING
28 STATES. (a) A commissioned peace officer of a state
29 of the United States of America adjoining this state,
30 while the officer is in this state, has under this
31 subsection the same powers, duties, and immunities as
32 a peace officer of this state who is acting in the
33 discharge of an official duty, but only:

34 (1) during a time in which:

35 (A) the peace officer from the
36 adjoining state has physical custody of an inmate or
37 criminal defendant and is transporting the inmate or
38 defendant from a county in the adjoining state that is
39 on the border between the two states to a hospital or
40 other medical facility in a county in this state that
41 is on the border between the two states; or

1 (B) the peace officer has physical
2 custody of the inmate or defendant and is returning the
3 inmate or defendant from the hospital or facility to
4 the county in the adjoining state; and

5 (2) to the extent necessary to:

6 (A) maintain physical custody of the
7 inmate or defendant while transporting the inmate or
8 defendant; or

9 (B) regain physical custody of the
10 inmate or defendant if the inmate or defendant escapes
11 while being transported.

12 (b) A commissioned peace officer of a state of
13 the United States of America adjoining this state,
14 while the officer is in this state, has under this
15 subsection the same powers, duties, and immunities as
16 a peace officer of this state who is acting in the
17 discharge of an official duty, but only in a
18 municipality some part of the municipal limits of
19 which are within one mile of the boundary between this
20 state and the adjoining state and only at a time the
21 peace officer is regularly assigned to duty in a
22 county, parish, or municipality that adjoins this
23 state. A peace officer described by this subsection
24 may also as part of the officer's powers in this state
25 enforce the ordinances of a Texas municipality
26 described by this subsection but only after the
27 governing body of the municipality authorizes that
28 enforcement by majority vote at an open meeting.

29 Revisor's Note

30 Article 2.124(a), Code of Criminal Procedure,
31 refers to "a state of the United States of America."
32 The revised law omits "of the United States of America"
33 as unnecessary because under Section 311.005(7),
34 Government Code (Code Construction Act), a reference
35 to a "state" includes any state of the United States.
36 The Code Construction Act is applicable to the revised
37 law and any other provision of the Code of Criminal
38 Procedure enacted under Section 43, Article III, Texas
39 Constitution (authorizing the continuing statutory
40 revision program), in the same manner as to an entire
41 code enacted under the continuing statutory revision
42 program, except as otherwise expressly provided by the
43 Code of Criminal Procedure. See Section 6.02(a),
44 Chapter 1058 (H.B. 2931), Acts of the 85th
45 Legislature, Regular Session, 2017.

46 Revised Law

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

48 (1) "Commission" means the Texas Commission on Law

1 Enforcement.

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

4 (b) The director of the department may appoint not more than
5 250 railroad peace officers employed by a railroad company to aid
6 law enforcement agencies in the protection of railroad property and
7 the persons and property of railroad passengers and employees.

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

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

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

15 (B) damage to railroad property; or

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

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

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

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

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

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

31 (3) the executive director of the commission:

32 (A) determines that the person meets minimum
33 standards required of peace officers by the commission relating to
34 competence, reliability, education, training, morality, and

1 physical and mental health; and

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

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

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

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

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

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

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

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

26 (m) The director of the department and the executive
27 director of the commission may adopt rules necessary for the
28 effective administration and performance of the duties delegated to
29 the director and the executive director by this article. (Code
30 Crim. Proc., Art. 2.121; New.)

31 Source Law

32 Art. 2.121. RAILROAD PEACE OFFICERS. (a) The
33 director of the Department of Public Safety may
34 appoint up to 250 railroad peace officers who are
35 employed by a railroad company to aid law enforcement
36 agencies in the protection of railroad property and

1 the protection of the persons and property of railroad
2 passengers and employees.

3 (b) Except as provided by Subsection (c) of this
4 article, a railroad peace officer may make arrests and
5 exercise all authority given peace officers under this
6 code when necessary to prevent or abate the commission
7 of an offense involving injury to passengers and
8 employees of the railroad or damage to railroad
9 property or to protect railroad property or property
10 in the custody or control of the railroad.

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

15 (d) A railroad peace officer is not entitled to
16 state benefits normally provided by the state to a
17 peace officer.

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

20 (1) the Texas Railroad Association submits
21 the person's application for appointment and
22 certification as a railroad peace officer to the
23 director of the Department of Public Safety and to the
24 executive director of the Texas Commission on Law
25 Enforcement;

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

29 (3) the executive director of the
30 commission determines that the person meets minimum
31 standards required of peace officers by the commission
32 relating to competence, reliability, education,
33 training, morality, and physical and mental health and
34 issues the person a license as a railroad peace
35 officer; and

36 (4) the person has met all standards for
37 certification as a peace officer by the Texas
38 Commission on Law Enforcement.

39 (f) For good cause, the director of the
40 department may revoke a certificate of authority
41 issued under this article and the executive director
42 of the commission may revoke a license issued under
43 this article. Termination of employment with a
44 railroad company, or the revocation of a railroad
45 peace officer license, shall constitute an automatic
46 revocation of a certificate of authority to act as a
47 railroad peace officer.

48 (g) A railroad company is liable for any act or
49 omission by a person serving as a railroad peace
50 officer for the company that is within the person's
51 scope of employment. Neither the state nor any
52 political subdivision or agency of the state shall be
53 liable for any act or omission by a person appointed as
54 a railroad peace officer. All expenses incurred by the
55 granting or revocation of a certificate of authority
56 to act as a railroad peace officer shall be paid by the
57 employing railroad company.

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

62 (i) The director of the department and the
63 executive director of the commission shall have the
64 authority to promulgate rules necessary for the
65 effective administration and performance of the duties
66 and responsibilities delegated to them by this
67 article.

1 Revisor's Note

2 (1) The definitions of "commission" and
3 "department" are added to the revised law for drafting
4 convenience and to eliminate frequent, unnecessary
5 repetition of the substance of the definitions.

6 (2) Article 2.121(i), Code of Criminal
7 Procedure, provides that certain state officials
8 "shall have the authority to promulgate" rules
9 necessary for the effective administration and
10 performance of the "duties and responsibilities"
11 delegated to them. The revised law substitutes "may
12 adopt" for "shall have the authority to promulgate"
13 because, in context, the phrases are synonymous and
14 "may adopt" is more consistent with modern usage.
15 Additionally, the revised law omits
16 "responsibilities" because, in context,
17 "responsibilities" is included in the meaning of
18 "duties."

19 Revised Law

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

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

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

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

28 (b) The director of the department may appoint not more than
29 50 special rangers employed by the association to aid law
30 enforcement agencies in the investigation of the theft of livestock
31 or related property.

32 (c) Except as provided by Subsection (d), a special ranger
33 may make arrests and exercise all authority given peace officers
34 under this code when necessary to prevent or abate the commission of

1 an offense involving livestock or related property.

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

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

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

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

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

13 (3) the executive director of the commission:

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

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

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

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

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

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

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

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

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

9 Source Law

10 Art. 2.125. SPECIAL RANGERS OF TEXAS AND
11 SOUTHWESTERN CATTLE RAISERS ASSOCIATION. (a) The
12 director of the Department of Public Safety may
13 appoint up to 50 special rangers who are employed by
14 the Texas and Southwestern Cattle Raisers Association
15 to aid law enforcement agencies in the investigation
16 of the theft of livestock or related property.

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

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

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

29 (e) A person may not serve as a special ranger
30 unless:

31 (1) the Texas and Southwestern Cattle
32 Raisers Association submits the person's application
33 for appointment and certification as a special ranger
34 to the director of the Department of Public Safety and
35 to the executive director of the Texas Commission on
36 Law Enforcement;

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

40 (3) the executive director of the
41 commission determines that the person meets minimum
42 standards required of peace officers by the commission
43 relating to competence, reliability, education,
44 training, morality, and physical and mental health and
45 issues the person a license as a special ranger; and

46 (4) the person has met all standards for
47 certification as a peace officer by the Texas
48 Commission on Law Enforcement.

49 (f) For good cause, the director of the
50 department may revoke a certificate of authority
51 issued under this article and the executive director
52 of the commission may revoke a license issued under
53 this article. Termination of employment with the
54 association, or the revocation of a special ranger
55 license, shall constitute an automatic revocation of a
56 certificate of authority to act as a special ranger.

57 (g) The Texas and Southwestern Cattle Raisers
58 Association is liable for any act or omission by a

1 person serving as a special ranger for the association
2 that is within the person's scope of employment.
3 Neither the state nor any political subdivision or
4 agency of the state shall be liable for any act or
5 omission by a person appointed as a special ranger. All
6 expenses incurred by the granting or revocation of a
7 certificate of authority to act as a special ranger
8 shall be paid by the association.

9 (h) The director of the department and the
10 executive director of the commission shall have the
11 authority to promulgate rules necessary for the
12 effective administration and performance of the duties
13 and responsibilities delegated to them by this
14 article.

15 Revisor's Note

16 (1) The definitions of "association,"
17 "commission," and "department" are added to the
18 revised law for drafting convenience and to eliminate
19 frequent, unnecessary repetition of the substance of
20 the definitions.

21 (2) Article 2.125(h), Code of Criminal
22 Procedure, provides that certain state officials
23 "shall have the authority to promulgate" rules
24 necessary for the effective administration and
25 performance of the "duties and responsibilities"
26 delegated to them. The revised law substitutes "may
27 adopt" for "shall have the authority to promulgate"
28 and omits "responsibilities" for the reasons stated in
29 Revisor's Note (2) to Article 2A.005.

30 Revised Law

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

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

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

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

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

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

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

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

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

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

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

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

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

1 by the municipality or county.

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

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

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

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

22 Source Law

23 Art. 2.123. ADJUNCT POLICE OFFICERS. (a)
24 Within counties under 200,000 population, the chief of
25 police of a municipality or the sheriff of the county,
26 if the institution is outside the corporate limits of a
27 municipality, that has jurisdiction over the
28 geographical area of a private institution of higher
29 education, provided the governing board of such
30 institution consents, may appoint up to 50 peace
31 officers who are commissioned under Section 51.212,
32 Education Code, and who are employed by a private
33 institution of higher education located in the
34 municipality or county, to serve as adjunct police
35 officers of the municipality or county. Officers
36 appointed under this article shall aid law enforcement
37 agencies in the protection of the municipality or
38 county in a geographical area that is designated by
39 agreement on an annual basis between the appointing
40 chief of police or sheriff and the private
41 institution.

42 (b) The geographical area that is subject to
43 designation under Subsection (a) of this article may
44 include only the private institution's campus area and
45 an area that:

1 (1) is adjacent to the campus of the
2 private institution;

3 (2) does not extend further than a
4 distance of one mile from the perimeter of the campus
5 of the private institution; and

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

8 (c) A peace officer serving as an adjunct police
9 officer may make arrests and exercise all authority
10 given peace officers under this code only within the
11 geographical area designated by agreement between the
12 appointing chief of police or sheriff and the private
13 institution.

14 (d) A peace officer serving as an adjunct police
15 officer has all the rights, privileges, and immunities
16 of a peace officer but is not entitled to state
17 compensation and retirement benefits normally
18 provided by the state to a peace officer.

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

21 (1) the institution of higher education
22 submits the person's application for appointment and
23 certification as an adjunct police officer to the
24 chief of police of the municipality or, if outside a
25 municipality, the sheriff of the county that has
26 jurisdiction over the geographical area of the
27 institution;

28 (2) the chief of police of the
29 municipality or sheriff of the county to whom the
30 application was made issues the person a certificate
31 of authority to act as an adjunct police officer; and

32 (3) the person undergoes any additional
33 training required for that person to meet the training
34 standards of the municipality or county for peace
35 officers employed by the municipality or county.

36 (f) For good cause, the chief of police or
37 sheriff may revoke a certificate of authority issued
38 under this article.

39 (g) A private institution of higher education is
40 liable for any act or omission by a person while
41 serving as an adjunct police officer outside of the
42 campus of the institution in the same manner as the
43 municipality or county governing that geographical
44 area is liable for any act or omission of a peace
45 officer employed by the municipality or county. This
46 subsection shall not be construed to act as a
47 limitation on the liability of a municipality or
48 county for the acts or omissions of a person serving as
49 an adjunct police officer.

50 (h) The employing institution shall pay all
51 expenses incurred by the municipality or county in
52 granting or revoking a certificate of authority to act
53 as an adjunct police officer under this article.

54 (i) This article does not affect any duty of the
55 municipality or county to provide law enforcement
56 services to a geographical area designated under
57 Subsection (a) of this article.

58 Revised Law

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

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

1 (2) is not operated by a governmental entity; and
2 (3) is not a school whose students are home-schooled
3 students as defined by Section 29.916, Education Code.

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

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

8 (2) appointed by:

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

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

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

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

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

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

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

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

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

32 (d) A school marshal may not issue a traffic citation for a
33 violation of Chapter 521, Transportation Code, or Subtitle C, Title
34 7, Transportation Code.

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

4 Source Law

5 Art. 2.127. SCHOOL MARSHALS. (a) Except as
6 provided by Subsection (b), a school marshal may:

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

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

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

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

18 (2) only act as necessary to prevent or
19 abate the commission of an offense that threatens
20 serious bodily injury or death of students, faculty,
21 or visitors on school premises.

22 (a-1) In this section, "private school" means a
23 school that:

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

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

29 (3) is not a school whose students meet the
30 definition provided by Section 29.916(a)(1),
31 Education Code.

32 (b) A school marshal may not issue a traffic
33 citation for a violation of Chapter 521,
34 Transportation Code, or Subtitle C, Title 7,
35 Transportation Code.

36 (c) A school marshal is not entitled to state
37 benefits normally provided by the state to a peace
38 officer.

39 (d) A person may not serve as a school marshal
40 unless the person is:

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

43 (2) appointed by:

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

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

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

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

52 ENFORCEMENT AGENCIES

53 Revised Law

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

55 Each peace officer shall:

56 (1) preserve the peace within the officer's

1 jurisdiction using all lawful means;

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

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

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

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

13 (6) take possession of a child under Article
14 63.009(g); and

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

19 Source Law

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

24 (b) The officer shall:

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

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

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

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

38 (c) It is the duty of every officer to take
39 possession of a child under Article 63.009(g).

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

44 Revised Law

45 Art. 2A.052. CARRYING WEAPON ON CERTAIN PREMISES; CIVIL

1 PENALTY. (a) In this article:

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

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

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

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

8 (D) a sports venue; and

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

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

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

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

32 Source Law

33 Art. 2.1305. CARRYING WEAPON ON CERTAIN
34 PREMISES. (a) An establishment serving the public may
35 not prohibit or otherwise restrict a peace officer or

1 special investigator from carrying on the
2 establishment's premises a weapon that the peace
3 officer or special investigator is otherwise
4 authorized to carry, regardless of whether the peace
5 officer or special investigator is engaged in the
6 actual discharge of the officer's or investigator's
7 duties while carrying the weapon.

8 (b) For purposes of this article:

9 (1) "Establishment serving the public"
10 means:

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

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

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

18 (D) a sports venue; and

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

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

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

39 Revised Law

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

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

46 Source Law

47 Art. 2.14. MAY SUMMON AID. Whenever a peace
48 officer meets with resistance in discharging any duty
49 imposed upon him by law, he shall summon a sufficient
50 number of citizens of his county to overcome the
51 resistance; and all persons summoned are bound to
52 obey.

53 Revisor's Note

54 Article 2.14, Code of Criminal Procedure, refers
55 to "citizens" of a peace officer's county. The revised

1 law substitutes "residents" for "citizens" because a
2 person is not considered to be a citizen of a county
3 and it is clear from the context of that article that a
4 peace officer may summon a person who resides in the
5 county for assistance.

6 Revised Law

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

12 Source Law

13 Art. 2.15. PERSON REFUSING TO AID. The peace
14 officer who has summoned any person to assist him in
15 performing any duty shall report such person, if he
16 refuse to obey, to the proper district or county
17 attorney, in order that he may be prosecuted for the
18 offense.

19 Revisor's Note

20 Article 2.15, Code of Criminal Procedure, refers
21 to a person being "prosecuted for the offense." The
22 revised law omits "for the offense" as unnecessary in
23 this context because it does not add to the clear
24 meaning of the law.

25 Revised Law

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

32 (b) The payment of a fine under Subsection (a) shall be
33 enforced in the same manner as a fine for contempt in a civil case.
34 (Code Crim. Proc., Art. 2.16.)

35 Source Law

36 Art. 2.16. NEGLECTING TO EXECUTE PROCESS. If
37 any sheriff or other officer shall wilfully refuse or

1 fail from neglect to execute any summons, subpoena or
2 attachment for a witness, or any other legal process
3 which it is made his duty by law to execute, he shall be
4 liable to a fine for contempt not less than ten nor
5 more than two hundred dollars, at the discretion of the
6 court. The payment of such fine shall be enforced in
7 the same manner as fines for contempt in civil cases.

8 Revised Law

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

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

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

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

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

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

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

33 (e) A peace officer who locates a child or other person
34 listed on the Texas Crime Information Center's child safety check
35 alert list and who reports the child's or other person's current
36 address and other relevant information to the department shall
37 report to the Texas Crime Information Center that the child or other

1 person has been located and to whom the child was released, as
2 applicable. (Code Crim. Proc., Art. 2.272; New.)

3 Source Law

4 Art. 2.272. LAW ENFORCEMENT RESPONSE TO CHILD
5 SAFETY CHECK ALERT. (a) If a peace officer locates a
6 child or other person listed on the Texas Crime
7 Information Center's child safety check alert list
8 established under Section 261.3022, Family Code, the
9 officer shall:

10 (1) immediately contact the Department of
11 Family and Protective Services on the department's
12 dedicated law-enforcement telephone number for
13 statewide intake;

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

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

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

23 (c) If the peace officer determines that the
24 circumstances described by Section 262.104, Family
25 Code, exist, the officer may take temporary possession
26 of the child without a court order as provided by
27 Section 262.104, Family Code. If the peace officer
28 does not take temporary possession of the child, the
29 officer shall obtain the child's current address and
30 any other relevant information and report that
31 information to the Department of Family and Protective
32 Services.

33 (d) A peace officer who locates a child or other
34 person listed on the Texas Crime Information Center's
35 child safety check alert list and who reports the
36 child's or other person's current address and other
37 relevant information to the Department of Family and
38 Protective Services shall report to the Texas Crime
39 Information Center that the child or other person has
40 been located and to whom the child was released, as
41 applicable.

42 Revisor's Note

43 The definition of "department" is added to the
44 revised law for drafting convenience and to eliminate
45 frequent, unnecessary repetition of the substance of
46 the definition.

47 Revised Law

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

52 (b) A peace officer from the appropriate local law

1 enforcement agency shall, on receipt of a report, investigate
2 jointly with the department or with the agency responsible for
3 conducting an investigation under Subchapter E, Chapter 261, Family
4 Code, if the report:

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

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

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

16 (d) On receipt of a report of abuse, neglect, exploitation,
17 or other complaint of a resident of a nursing home, convalescent
18 home, or other related institution or an assisted living facility,
19 under Section 260A.007(c)(1), Health and Safety Code, the
20 appropriate local law enforcement agency shall investigate the
21 report as required by Section 260A.017, Health and Safety Code.
22 (Code Crim. Proc., Arts. 2.27, 2.271; New.)

23 Source Law

24 Art. 2.27. INVESTIGATION OF CERTAIN REPORTS
25 ALLEGING ABUSE. (a) On receipt of a report that is
26 assigned the highest priority in accordance with rules
27 adopted by the Department of Family and Protective
28 Services under Section 261.301(d), Family Code, and
29 that alleges an immediate risk of physical or sexual
30 abuse of a child that could result in the death of or
31 serious harm to the child by a person responsible for
32 the care, custody, or welfare of the child, a peace
33 officer from the appropriate local law enforcement
34 agency shall investigate the report jointly with the
35 department or with the agency responsible for
36 conducting an investigation under Subchapter E,
37 Chapter 261, Family Code. As soon as possible after
38 being notified by the department of the report, but not
39 later than 24 hours after being notified, the peace
40 officer shall accompany the department investigator in
41 initially responding to the report.

42 (b) On receipt of a report of abuse or neglect or
43 other complaint of a resident of a nursing home,
44 convalescent home, or other related institution under

1 Section 242.126(c)(1), Health and Safety Code, the
2 appropriate local law enforcement agency shall
3 investigate the report as required by Section 242.135,
4 Health and Safety Code.

5 Art. 2.271. INVESTIGATION OF CERTAIN REPORTS
6 ALLEGING ABUSE, NEGLECT, OR EXPLOITATION.
7 Notwithstanding Article 2.27, on receipt of a report
8 of abuse, neglect, exploitation, or other complaint of
9 a resident of a nursing home, convalescent home, or
10 other related institution or an assisted living
11 facility, under Section 260A.007(c)(1), Health and
12 Safety Code, the appropriate local law enforcement
13 agency shall investigate the report as required by
14 Section 260A.017, Health and Safety Code.

15 Revisor's Note

16 (1) The definition of "department" is added to
17 the revised law for drafting convenience and to
18 eliminate frequent, unnecessary repetition of the
19 substance of the definition.

20 (2) Article 2.27(b), Code of Criminal
21 Procedure, provides that on receipt of a report of
22 abuse or neglect or other complaint of a resident of a
23 nursing home, convalescent home, or other related
24 institution under Section 242.126(c)(1), Health and
25 Safety Code, the appropriate local law enforcement
26 agency shall investigate the report as required by
27 Section 242.135 of that code. Chapter 7 (S.B.7), Acts
28 of the 82nd Legislature, 1st Called Session, 2011,
29 repealed Sections 242.126 and 242.135, Health and
30 Safety Code, and enacted the substance of those
31 provisions in Sections 260A.007 and 260A.017, Health
32 and Safety Code, respectively. Chapter 7 also added
33 Article 2.271, Code of Criminal Procedure, which
34 essentially duplicates the provision in Article
35 2.27(b). The revised law is drafted accordingly.

36 (3) Article 2.271, Code of Criminal Procedure,
37 provides that "[n]otwithstanding Article 2.27" of that
38 code, the appropriate local law enforcement agency
39 shall investigate certain reports of abuse, neglect,
40 exploitation, or other complaints of a resident of a
41 nursing home, convalescent home, or other related

1 institution or an assisted living facility. The
2 revised law omits the quoted language because, for the
3 reasons stated in Revisor's Note (2) to this revised
4 article, Article 2.271 does not conflict with Article
5 2.27.

6 Revised Law

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

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

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

14 (2) a juvenile probation department;

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

16 or

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

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

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

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

28 (A) verify that the person to whom the child is
29 being released:

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

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

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

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

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

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

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

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

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

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

19 Source Law

20 Art. 2.273. RELEASE OF CHILD BY LAW ENFORCEMENT
21 OFFICER. (a) A law enforcement officer who takes
22 possession of a child under Section 262.104, Family
23 Code, may release the child to:

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

29 (2) a juvenile probation department;

30 (3) the Department of Family and
31 Protective Services; or

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

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

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

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

46 (A) verify that the person to whom
47 the child is being released:

48 (i) does not have a protective

1 order issued against the person; and
2 (ii) is not registered as a sex
3 offender unless the person is the child's parent or
4 guardian and there are no restrictions regarding the
5 person's contact with the child; and
6 (B) obtain any other information the
7 Department of Family and Protective Services
8 considers:
9 (i) relevant to protect the
10 welfare of the child; or
11 (ii) reflective of the
12 responsibility of the person to whom the child is being
13 released;
14 (3) call the Department of Family and
15 Protective Services Texas Abuse Hotline to determine
16 whether the person to whom the child is being released
17 is listed in the registry as a person who abused or
18 neglected a child;
19 (4) verify that the person to whom the
20 child is being released is at least 18 years of age;
21 and
22 (5) maintain a record regarding the
23 child's placement, including:
24 (A) identifying information about
25 the child, including the child's name or pseudonyms;
26 and
27 (B) the name and address of the
28 person to whom the child is being released.

29 Revised Law

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

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

36 (1) investigate the offense; or

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

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

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

43 (2) inquiring as to the nationality or immigration
44 status of a victim of or witness to a criminal offense if the
45 officer has probable cause to believe that the victim or witness has
46 engaged in specific conduct constituting a separate criminal
47 offense. (Code Crim. Proc., Arts. 2.13(d), (e).)

1 Source Law

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

8 (1) investigate the offense; or

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

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

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

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

22 Revised Law

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

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

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

32 (b) A law enforcement agency is not required to perform a
33 duty imposed by Subsection (a) with respect to a person who has
34 provided proof that the person is a citizen of the United States or
35 that the person has lawful immigration status in the United States,
36 such as a Texas driver's license or similar government-issued
37 identification. (Code Crim. Proc., Art. 2.251.)

38 Source Law

39 Art. 2.251. DUTIES RELATED TO IMMIGRATION
40 DETAINER REQUESTS. (a) A law enforcement agency that
41 has custody of a person subject to an immigration
42 detainer request issued by United States Immigration
43 and Customs Enforcement shall:

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

47 (2) inform the person that the person is
48 being held pursuant to an immigration detainer request

1 issued by United States Immigration and Customs
2 Enforcement.

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

10 Revised Law

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

17 (1) notify the person that:

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

20 (B) the person may file a declaration with the
21 Department of Public Safety under Section 411.0421, Government
22 Code; and

23 (C) the person is entitled to expunction of
24 information contained in criminal records and files under Chapter
25 55A; and

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

27 (A) the misuse of the identifying information;

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

30 (C) whether the agency was able to notify the
31 person whose identifying information was misused. (Code Crim.
32 Proc., Art. 2.28.)

33 Source Law

34 Art. 2.28. DUTIES REGARDING MISUSED IDENTITY.
35 On receipt of information to the effect that a person's
36 identifying information was falsely given by a person
37 arrested as the arrested person's identifying
38 information, the local law enforcement agency
39 responsible for collecting identifying information on
40 arrested persons in the county in which the arrest was
41 made shall:

42 (1) notify the person that:

43 (A) the person's identifying

1 information was misused by another person arrested in
2 the county;

3 (B) the person may file a declaration
4 with the Department of Public Safety under Section
5 411.0421, Government Code; and

6 (C) the person is entitled to
7 expunction of information contained in criminal
8 records and files under Chapter 55 of this code; and

9 (2) notify the Department of Public Safety
10 regarding:

11 (A) the misuse of the identifying
12 information;

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

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

18 Revised Law

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

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

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

28 (2) practices for minimizing contamination; and

29 (3) effective eyewitness identification protocols.

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

34 Source Law

35 Art. 2.1386. EYEWITNESS IDENTIFICATION
36 PROTOCOLS. (a) In this article, "law enforcement
37 agency" means an agency of the state or an agency of a
38 political subdivision of the state authorized by law
39 to employ peace officers.

40 (b) The Texas Commission on Law Enforcement
41 shall establish a comprehensive education and training
42 program on eyewitness identification, including
43 material regarding variables that affect a witness's
44 vision and memory, practices for minimizing
45 contamination, and effective eyewitness
46 identification protocols.

47 (c) Each law enforcement agency shall require
48 each peace officer who is employed by the agency and
49 who performs eyewitness identification procedures to
50 complete the education and training described by

1 Subsection (b).

2 Revised Law

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

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

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

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

13 Source Law

14 Art. 2.17. CONSERVATOR OF THE PEACE. Each
15 sheriff shall be a conservator of the peace in his
16 county, and shall arrest all offenders against the
17 laws of the State, in his view or hearing, and take
18 them before the proper court for examination or trial.
19 He shall quell and suppress all assaults and
20 batteries, affrays, insurrections and unlawful
21 assemblies. He shall apprehend and commit to jail all
22 offenders, until an examination or trial can be had.

23 Revisor's Note

24 (1) Article 2.17, Code of Criminal Procedure,
25 refers to "assaults and batteries." The revised law
26 omits "and batteries" as redundant because the
27 legislature's enactment of Section 22.01, Penal Code,
28 which is entitled "assault" superseded and
29 consolidated the common law offenses of assault and
30 battery. See also Section 1.03(a), Penal Code.

31 (2) Article 2.17, Code of Criminal Procedure,
32 states that a sheriff "shall arrest all offenders
33 against the laws of the State" in the view or hearing
34 of the sheriff. The revised law substitutes "person
35 who commits an offense" for "offender" because an
36 offender is a person who commits an offense and omits
37 "against the laws of the State" as redundant because in
38 this context an offense is a violation of a law of this

1 state.

2 (3) Article 2.17, Code of Criminal Procedure,
3 provides that each sheriff shall "quell" and
4 "suppress" certain offenses. The revised law omits
5 "quell" because, in context, "quell" is included in
6 the meaning of "suppress."

7 Revised Law

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

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

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

16 (2) was arrested in aailable case.

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

20 Source Law

21 Art. 2.18. CUSTODY OF PRISONERS. When a
22 prisoner is committed to jail by warrant from a
23 magistrate or court, he shall be placed in jail by the
24 sheriff. It is a violation of duty on the part of any
25 sheriff to permit a defendant so committed to remain
26 out of jail, except that he may, when a defendant is
27 committed for want of bail, or when he arrests in a
28ailable case, give the person arrested a reasonable
29 time to procure bail; but he shall so guard the accused
30 as to prevent escape.

31 Revisor's Note

32 (1) Article 2.18, Code of Criminal Procedure,
33 refers to a "prisoner." For consistency in
34 terminology, the revised law substitutes "defendant"
35 for "prisoner" because, in this context, the terms are
36 synonymous and the former is more commonly used in the
37 Code of Criminal Procedure.

38 (2) Article 2.18, Code of Criminal Procedure,

1 requires a sheriff to place in jail a defendant
2 committed to jail by a warrant from a magistrate or
3 court. That article further provides that "[i]t is a
4 violation of duty on the part of any sheriff to permit
5 a defendant so committed to remain out of jail." The
6 revised law omits the quoted phrase as unnecessary
7 because any failure by the sheriff to comply with the
8 requirement to commit the defendant to jail would
9 clearly constitute a violation of that duty.

10 (3) Article 2.18, Code of Criminal Procedure,
11 provides that a sheriff shall guard the "accused" to
12 prevent escape. The revised law substitutes "defendant
13 permitted to remain out of jail under Subsection (b)"
14 for "accused" for consistency in terminology used in
15 the article and because it is clear, in this context,
16 that the "accused" means the defendant whom the
17 sheriff permitted to remain out of jail under the
18 circumstances described by Subsection (b).

19 Revised Law

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

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

27 Source Law

28 Art. 2.20. DEPUTY. Wherever a duty is imposed
29 by this Code upon the sheriff, the same duty may
30 lawfully be performed by his deputy. When there is no
31 sheriff in a county, the duties of that office, as to
32 all proceedings under the criminal law, devolve upon
33 the officer who, under the law, is empowered to
34 discharge the duties of sheriff, in case of vacancy in
35 the office.

36 Revisor's Note

37 Article 2.20, Code of Criminal Procedure,

1 provides that a duty imposed by that code on the
2 sheriff may "lawfully" be performed by the sheriff's
3 deputy. Throughout this chapter, the revised law omits
4 "lawfully" because if a statute provides that a person
5 may perform a certain duty, the duty necessarily may be
6 "lawfully" performed.

7 Revised Law

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

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

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

- 24 (1) a warrant under Chapter 15, 17, or 18;
25 (2) a capias under Chapter 17 or 23;
26 (3) a subpoena under Chapter 20A or 24; or
27 (4) an attachment under Chapter 20A or 24. (Code Crim.

28 Proc., Art. 2.31, as added Acts 82nd Leg., R.S., Chs. 176, 1341.)

29 Source Law

30 [as added Acts 82nd Leg., R.S., Ch. 176]

31 Art. 2.31. COUNTY JAILERS. If a jailer licensed
32 under Chapter 1701, Occupations Code, has successfully
33 completed a training program provided by the sheriff,
34 the jailer may execute lawful process issued to the
35 jailer by any magistrate or court on a person confined
36 in the jail at which the jailer is employed to the same
37 extent that a peace officer is authorized to execute
38 process under Article 2.13(b)(2), including:

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

5 [as added Acts 82nd Leg., R.S., Ch. 1341]

6 Art. 2.31. COUNTY JAILERS. A jailer licensed
7 under Chapter 1701, Occupations Code, may execute
8 lawful process issued to the jailer by any magistrate
9 or court on a person confined in the jail at which the
10 jailer is employed to the same extent that a peace
11 officer is authorized to execute process under Article
12 2.13(b)(2), including:

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

17 SUBCHAPTER C. ATTORNEYS REPRESENTING STATE

18 Revised Law

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

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

27 Source Law

28 Art. 2.01. . . . It shall be the primary duty
29 of all prosecuting attorneys, including any special
30 prosecutors, not to convict, but to see that justice is
31 done. They shall not suppress facts or secrete
32 witnesses capable of establishing the innocence of the
33 accused.

34 Revisor's Note

35 (1) Article 2.01, Code of Criminal Procedure,
36 refers to a "prosecuting [attorney]." Throughout this
37 chapter, the revised law substitutes "attorney
38 representing the state" for "prosecuting [attorney]"
39 and "attorney for the state" because the terms are
40 synonymous and "attorney representing the state" is
41 more commonly used in the Code of Criminal Procedure.

42 (2) Article 2.01, Code of Criminal Procedure,
43 refers to the "accused." The revised law substitutes
44 "defendant" for "accused" because, in this context,

1 the terms are synonymous and "defendant" is more
2 commonly used in the Code of Criminal Procedure.

3 (3) Article 2.01, Code of Criminal Procedure,
4 says an attorney may not "secrete witnesses" who could
5 establish a defendant's innocence. The revised law
6 substitutes "conceal" for "secrete" because in this
7 context the terms are synonymous and "conceal" is more
8 consistent with modern usage.

9 Revised Law

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

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

18 (1) notified of the proceeding; and

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

21 Source Law

22 Art. 2.01. DUTIES OF DISTRICT ATTORNEYS. Each
23 district attorney shall represent the State in all
24 criminal cases in the district courts of his district
25 and in appeals therefrom, When any criminal
26 proceeding is had before an examining court in his
27 district or before a judge upon habeas corpus, and he
28 is notified of the same, and is at the time within his
29 district, he shall represent the State therein, unless
30 prevented by other official duties. . . .

31 Revised Law

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

36 (b) In the absence of the district attorney, the county
37 attorney shall represent the state alone and, when requested by the
38 district attorney, shall aid the district attorney in prosecuting a

1 case in behalf of the state in district court.

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

5 Source Law

6 Art. 2.02. DUTIES OF COUNTY ATTORNEYS. The
7 county attorney shall attend the terms of court in his
8 county below the grade of district court, and shall
9 represent the State in all criminal cases under
10 examination or prosecution in said county; and in the
11 absence of the district attorney he shall represent
12 the State alone and, when requested, shall aid the
13 district attorney in the prosecution of any case in
14 behalf of the State in the district court. He shall
15 represent the State in cases he has prosecuted which
16 are appealed.

17 Revisor's Note

18 Article 2.02, Code of Criminal Procedure,
19 provides that the county attorney shall aid the
20 district attorney in the prosecution of any case in
21 behalf of the state in the district court "when
22 requested." The revised law adds "by the district
23 attorney" after "when requested" because it is clear
24 from the context that the district attorney is the
25 person who may request the county attorney's aid.

26 Revised Law

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

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

38 (1) an attorney representing the state from any county
39 or district; or

1 (2) an assistant attorney general.

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

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

14 Source Law

15 Art. 2.07. ATTORNEY PRO TEM. (a) Whenever an
16 attorney for the state is disqualified to act in any
17 case or proceeding, is absent from the county or
18 district, or is otherwise unable to perform the duties
19 of the attorney's office, or in any instance where
20 there is no attorney for the state, the judge of the
21 court in which the attorney represents the state may
22 appoint, from any county or district, an attorney for
23 the state or may appoint an assistant attorney general
24 to perform the duties of the office during the absence
25 or disqualification of the attorney for the state.

26 (b) Except as otherwise provided by this
27 subsection, the duties of the appointed office are
28 additional duties of the appointed attorney's present
29 office, and the attorney is not entitled to additional
30 compensation. This subsection does not prevent a
31 commissioners court of a county from contracting with
32 another commissioners court to pay expenses and
33 reimburse compensation paid by a county to an attorney
34 who is appointed to perform additional duties.

35 (b-1) An attorney for the state who is not
36 disqualified to act may request the court to permit the
37 attorney's recusal in a case for good cause, and on
38 approval by the court, the attorney is disqualified.

39 (d) In this article, "attorney for the state"
40 means a county attorney with criminal jurisdiction, a
41 district attorney, or a criminal district attorney.

42 Revised Law

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

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

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

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

6 (c) A judge of a court in which a district or county attorney
7 represents the state shall declare the attorney disqualified for
8 purposes of Article 2A.104 on a showing that the attorney is the
9 subject of a criminal investigation by a law enforcement agency if
10 that investigation is based on credible evidence of criminal
11 misconduct for an offense that is within the attorney's authority
12 to prosecute. A disqualification under this subsection applies
13 only to the attorney's access to the criminal investigation pending
14 against the attorney and to any prosecution of a criminal charge
15 resulting from that investigation. (Code Crim. Proc., Arts. 2.01
16 (part), 2.08.)

17 Source Law

18 [Art. 2.01. DUTIES OF DISTRICT ATTORNEYS. Each
19 district attorney shall represent the State in all
20 criminal cases in the district courts of his district
21 and in appeals therefrom,] except in cases where he has
22 been, before his election, employed adversely. . . .

23 Art. 2.08. DISQUALIFIED. (a) District and
24 county attorneys shall not be of counsel adversely to
25 the State in any case, in any court, nor shall they,
26 after they cease to be such officers, be of counsel
27 adversely to the State in any case in which they have
28 been of counsel for the State.

29 (b) A judge of a court in which a district or
30 county attorney represents the State shall declare the
31 district or county attorney disqualified for purposes
32 of Article 2.07 on a showing that the attorney is the
33 subject of a criminal investigation by a law
34 enforcement agency if that investigation is based on
35 credible evidence of criminal misconduct for an
36 offense that is within the attorney's authority to
37 prosecute. A disqualification under this subsection
38 applies only to the attorney's access to the criminal
39 investigation pending against the attorney and to any
40 prosecution of a criminal charge resulting from that
41 investigation.

42 Revised Law

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

44 (a) An attorney representing the state shall present to the court
45 with jurisdiction an information charging an officer with neglect

1 or failure of duty if:

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

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

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

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

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

14 Source Law

15 Art. 2.03. NEGLECT OF DUTY. (a) It shall be the
16 duty of the attorney representing the State to present
17 by information to the court having jurisdiction, any
18 officer for neglect or failure of any duty enjoined
19 upon such officer, when such neglect or failure can be
20 presented by information, whenever it shall come to
21 the knowledge of said attorney that there has been a
22 neglect or failure of duty upon the part of said
23 officer; and he shall bring to the notice of the grand
24 jury any act of violation of law or neglect or failure
25 of duty upon the part of any officer, when such
26 violation, neglect or failure is not presented by
27 information, and whenever the same may come to his
28 knowledge.

29 Revisor's Note

30 Article 2.03(a), Code of Criminal Procedure,
31 refers to a duty "enjoined" on an officer. The revised
32 law substitutes "imposed" for "enjoined" because in
33 this context the terms are synonymous and "imposed" is
34 more consistent with modern usage.

35 Revised Law

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

40 (1) reduce the complaint to writing;

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

3 (3) attest the complaint; and

4 (4) as applicable:

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

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

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

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

17 Source Law

18 Art. 2.04. SHALL DRAW COMPLAINTS. Upon
19 complaint being made before a district or county
20 attorney that an offense has been committed in his
21 district or county, he shall reduce the complaint to
22 writing and cause the same to be signed and sworn to by
23 the complainant, and it shall be duly attested by said
24 attorney.

25 Art. 2.05. WHEN COMPLAINT IS MADE. If the
26 offense be a misdemeanor, the attorney shall forthwith
27 prepare an information based upon such complaint and
28 file the same in the court having jurisdiction;
29 provided, that in counties having no county attorney,
30 misdemeanor cases may be tried upon complaint alone,
31 without an information, provided, however, in counties
32 having one or more criminal district courts an
33 information must be filed in each misdemeanor case. If
34 the offense be a felony, he shall forthwith file the
35 complaint with a magistrate of the county.

36 Art. 2.06. MAY ADMINISTER OATHS. For the
37 purpose mentioned in the two preceding Articles,
38 district and county attorneys are authorized to
39 administer oaths.

40 Revisor's Note

41 Article 2.05, Code of Criminal Procedure,
42 requires a district or county attorney who receives a
43 complaint under Article 2.04, Code of Criminal
44 Procedure, in the case of a misdemeanor to prepare an

1 information and file it with a court having
2 jurisdiction. Article 2.05 then provides an exception
3 to this requirement for counties having no county
4 attorney by permitting misdemeanor cases to be tried
5 based on the complaint alone in those counties.
6 Lastly, the article requires an information to be
7 filed in misdemeanor cases in counties having criminal
8 district courts, regardless of whether the county has
9 a county attorney. The revised law recasts that
10 requirement to file an information in counties with
11 criminal district courts, regardless of the presence
12 of a county attorney, as a limitation on the
13 applicability of the exception because it is clear
14 that the requirement applies regardless of the
15 presence of a county attorney.

16 Revised Law

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

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

25 (c) On request of a county or district attorney, the
26 attorney general shall assist in the prosecution of an offense
27 described by Subsection (b). (Code Crim. Proc., Art. 2.021.)

28 Source Law

29 Art. 2.021. DUTIES OF ATTORNEY GENERAL. The
30 attorney general may offer to a county or district
31 attorney the assistance of the attorney general's
32 office in the prosecution of an offense described by
33 Article 66.102(h) the victim of which is younger than
34 17 years of age at the time the offense is committed.
35 On request of a county or district attorney, the
36 attorney general shall assist in the prosecution of an
37 offense described by Article 66.102(h) the victim of
38 which is younger than 17 years of age at the time the
39 offense is committed. For purposes of this article,

1 assistance includes investigative, technical, and
2 litigation assistance of the attorney general's
3 office.

4 Revised Law

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

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

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

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

16 Source Law

17 Art. 2.022. ASSISTANCE OF TEXAS RANGERS. (a)
18 The attorney representing the state may request the
19 Texas Rangers division of the Department of Public
20 Safety to provide assistance to a local law
21 enforcement agency investigating an offense that:

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

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

28 (b) For purposes of this article, "assistance"
29 includes investigative, technical, and administrative
30 assistance.

31 Revised Law

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

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

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

1 (b) Not later than the 10th day after the date that a
2 defendant described by Subsection (a) is indicted for an offense
3 listed in Article 42A.054(a), the attorney representing the state
4 shall notify an officer designated by the Texas Department of
5 Criminal Justice of the offense charged in the indictment. (Code
6 Crim. Proc., Art. 2.023.)

7 Source Law

8 Art. 2.023. NOTIFICATION TO TEXAS DEPARTMENT OF
9 CRIMINAL JUSTICE. (a) This article applies only to a
10 defendant who, in connection with a previous
11 conviction for an offense listed in Article 42A.054(a)
12 or for which the judgment contains an affirmative
13 finding under Article 42A.054(c) or (d):

14 (1) received a sentence that included
15 imprisonment at a facility operated by or under
16 contract with the Texas Department of Criminal
17 Justice; and

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

22 (b) Not later than the 10th day after the date
23 that a defendant described by Subsection (a) is
24 indicted for an offense listed in Article 42A.054(a)
25 or for which the judgment contains an affirmative
26 finding under Article 42A.054(c) or (d), the attorney
27 representing the state shall notify an officer
28 designated by the Texas Department of Criminal Justice
29 of the offense charged in the indictment.

30 Revisor's Note

31 Article 2.023(b), Code of Criminal Procedure,
32 refers to an indictment for an offense listed in
33 Article 42A.054(a) or an indictment for an offense
34 "for which the judgment contains an affirmative
35 finding under Article 42A.054(c) or (d)." The revised
36 law omits the quoted phrase as superfluous because a
37 judgment does not exist at the time of the indictment
38 for an offense.

39 Revised Law

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

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

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

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

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

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

13 Source Law

14 Art. 2.024. TRACKING USE OF CERTAIN TESTIMONY.

15 (a) In this article:

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

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

22 (b) An attorney representing the state shall
23 track:

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

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

34 SUBCHAPTER D. MAGISTRATES AND CLERKS

35 Revised Law

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

38 (1) a justice of the supreme court;

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

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

41 (4) a judge of a district court;

42 (5) an associate judge appointed by:

43 (A) a judge of a district court or a statutory

1 county court that gives preference to criminal cases in Jefferson
2 County;

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

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

8 (6) a criminal magistrate appointed by:

9 (A) the Brazoria County Commissioners Court; or

10 (B) the Burnet County Commissioners Court;

11 (7) a criminal law hearing officer for:

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

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

16 (8) a magistrate appointed:

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

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

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

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

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

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

28 (G) under Subchapter JJ, Chapter 54, Government
29 Code;

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

33 (10) a county judge;

34 (11) a judge of:

- 1 (A) a statutory county court;
2 (B) a county criminal court; or
3 (C) a statutory probate court;
4 (12) an associate judge appointed by a judge of a
5 statutory probate court under Chapter 54A, Government Code;
6 (13) a justice of the peace; and
7 (14) a mayor or recorder of a municipality or a judge
8 of a municipal court. (Code Crim. Proc., Art. 2.09.)

9 Source Law

10 Art. 2.09. WHO ARE MAGISTRATES. Each of the
11 following officers is a magistrate within the meaning
12 of this Code: The justices of the Supreme Court, the
13 judges of the Court of Criminal Appeals, the justices
14 of the Courts of Appeals, the judges of the District
15 Court, the magistrates appointed by the judges of the
16 district courts of Bexar County, Dallas County, or
17 Tarrant County that give preference to criminal cases,
18 the criminal law hearing officers for Harris County
19 appointed under Subchapter L, Chapter 54, Government
20 Code, the criminal law hearing officers for Cameron
21 County appointed under Subchapter BB, Chapter 54,
22 Government Code, the magistrates or associate judges
23 appointed by the judges of the district courts of
24 Lubbock County, Nolan County, or Webb County, the
25 magistrates appointed by the judges of the criminal
26 district courts of Dallas County or Tarrant County,
27 the associate judges appointed by the judges of the
28 district courts and the county courts at law that give
29 preference to criminal cases in Jefferson County, the
30 associate judges appointed by the judges of the
31 district courts and the statutory county courts of
32 Brazos County, Nueces County, or Williamson County,
33 the magistrates appointed by the judges of the
34 district courts and statutory county courts that give
35 preference to criminal cases in Travis County, the
36 criminal magistrates appointed by the Brazoria County
37 Commissioners Court, the criminal magistrates
38 appointed by the Burnet County Commissioners Court,
39 the magistrates appointed by the El Paso Council of
40 Judges, the county judges, the judges of the county
41 courts at law, judges of the county criminal courts,
42 the judges of statutory probate courts, the associate
43 judges appointed by the judges of the statutory
44 probate courts under Chapter 54A, Government Code, the
45 associate judges appointed by the judge of a district
46 court under Chapter 54A, Government Code, the
47 magistrates appointed under Subchapter JJ, Chapter 54,
48 Government Code, the magistrates appointed by the
49 Collin County Commissioners Court, the magistrates
50 appointed by the Fort Bend County Commissioners Court,
51 the justices of the peace, and the mayors and recorders
52 and the judges of the municipal courts of incorporated
53 cities or towns.

54 Revisor's Note

55 Article 2.09, Code of Criminal Procedure, refers

1 to a "county [court] at law." For consistency in
2 terminology, throughout this article the revised law
3 substitutes "statutory county court" for "county court
4 at law" because the terms have the same meaning and the
5 former is more commonly used in this article.

6 Revised Law

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

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

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

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

16 Source Law

17 Art. 2.10. DUTY OF MAGISTRATES. It is the duty
18 of every magistrate to preserve the peace within his
19 jurisdiction by the use of all lawful means; to issue
20 all process intended to aid in preventing and
21 suppressing crime; to cause the arrest of offenders by
22 the use of lawful means in order that they may be
23 brought to punishment.

24 Revised Law

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

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

32 (1) receive and file all papers;

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

35 (3) issue all process;

36 (4) accept and file electronic documents received from
37 the defendant, if the clerk accepts electronic documents from an

1 attorney representing the state;

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

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

7 (c) A district clerk is exempt from the requirements of
8 Subsections (b)(4) and (5) if the electronic filing system used by
9 the clerk for accepting electronic documents or electronic digital
10 media from an attorney representing the state does not have the
11 capability of accepting electronic filings from a defendant and the
12 system was established or procured before June 1, 2009. The
13 exemption provided by this subsection no longer applies to an
14 electronic filing system described by this subsection that is
15 substantially upgraded or is replaced with a new system. (Code
16 Crim. Proc., Arts. 2.21(a), (a-1), (k).)

17 Source Law

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

21 (1) receive and file all papers;

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

24 (3) issue all process;

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

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

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

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

47 (k) In this article, "digital multimedia
48 evidence" means evidence stored or transmitted in a
49 binary form and includes data representing documents,

1 audio, video metadata, and any other information
2 attached to a digital file.

3 Revised Law

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

7 Source Law

8 Art. 2.22. POWER OF DEPUTY CLERKS. Whenever a
9 duty is imposed upon the clerk of the district or
10 county court, the same may be lawfully performed by his
11 deputy.

12 Revised Law

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

16 (1) is not a firearm or contraband;

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

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

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

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

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

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

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

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

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

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

- 10 (1) describe the exhibit;
- 11 (2) include the name and address of the court holding
12 the exhibit; and
- 13 (3) state that the exhibit will be disposed of unless a
14 written request is received by the clerk before the 31st day after
15 the date of notice.

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

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

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

- 29 (1) the county treasury, to be used only to defray the
30 costs incurred by the district clerk of the county for the
31 management, maintenance, or destruction of eligible exhibits in the
32 county; and
- 33 (2) the state treasury to the credit of the
34 compensation to victims of crime fund established under Subchapter

1 J, Chapter 56B. (Code Crim. Proc., Arts. 2.21(d), (e), (f), (f-1),
2 (g), (h), (i), (j).)

3 Source Law

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

- 6 (1) is not a firearm or contraband;
7 (2) has not been ordered by the court to be
8 returned to its owner; and
9 (3) is not an exhibit in another pending
10 criminal action.

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

- 13 (1) on or after the first anniversary of
14 the date on which a conviction becomes final in the
15 case, if the case is a misdemeanor or a felony for
16 which the sentence imposed by the court is five years
17 or less;
18 (2) on or after the second anniversary of
19 the date on which a conviction becomes final in the
20 case, if the case is a non-capital felony for which the
21 sentence imposed by the court is greater than five
22 years;
23 (3) on or after the first anniversary of
24 the date of the acquittal of a defendant; or
25 (4) on or after the first anniversary of
26 the date of the death of a defendant.

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

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

- 44 (1) the county treasury, to be used only to
45 defray the costs incurred by the district clerk of the
46 county for the management, maintenance, or destruction
47 of eligible exhibits in the county; and
48 (2) the state treasury to the credit of the
49 compensation to victims of crime fund established
50 under Subchapter J, Chapter 56B.

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

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

- 58 (1) describe the eligible exhibit;
59 (2) give the name and address of the court
60 holding the exhibit; and

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

64 (i) If a request is not received by a clerk

1 covered by Subsection (g) before the 31st day after the
2 date of notice, the clerk may dispose of the eligible
3 exhibit in the manner permitted by this article,
4 including the delivery of the eligible exhibit for
5 disposal as surplus or salvage property as described
6 by Subsection (f).

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

11 Revised Law

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

17 (1) the sheriff; or

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

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

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

27 (2) dispose of the exhibits as provided by Chapter 18.
28 (Code Crim. Proc., Arts. 2.21(b), (c).)

29 Source Law

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

34 (1) the sheriff; or

35 (2) in a county with a population of
36 500,000 or more, the law enforcement agency that
37 collected, seized, or took possession of the firearm
38 or contraband or produced the firearm or contraband at
39 the proceeding.

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

46 SUBCHAPTER E. REPORTING DUTIES

1 Revised Law

2 Art. 2A.201. PEACE OFFICERS: REPORT IN CONNECTION WITH
3 CERTAIN OFFENSES INVOLVING SENSITIVE INFORMATION. (a) A peace
4 officer to whom an alleged violation of Section 31.17 or 32.51,
5 Penal Code, is reported shall make to the law enforcement agency
6 that employs the officer a written report that includes:

- 7 (1) the name of the victim;
8 (2) the name of the suspect, if known;
9 (3) as applicable, either:

10 (A) the type of financial sight order or payment
11 card information obtained or transferred in violation of Section
12 31.17, Penal Code; or

13 (B) the type of identifying information
14 obtained, possessed, transferred, or used in violation of Section
15 32.51, Penal Code; and

- 16 (4) the results of any investigation.

17 (b) On the victim's request, the law enforcement agency
18 shall provide the report made under Subsection (a) to the victim.
19 In providing the report, the law enforcement agency shall redact
20 any otherwise confidential information that is included in the
21 report, other than the information described by Subsection (a).
22 (Code Crim. Proc., Arts. 2.29, 2.295.)

23 Source Law

24 Art. 2.29. REPORT REQUIRED IN CONNECTION WITH
25 FRAUDULENT USE OR POSSESSION OF IDENTIFYING
26 INFORMATION. (a) A peace officer to whom an alleged
27 violation of Section 32.51, Penal Code, is reported
28 shall make a written report to the law enforcement
29 agency that employs the peace officer that includes
30 the following information:

- 31 (1) the name of the victim;
32 (2) the name of the suspect, if known;
33 (3) the type of identifying information
34 obtained, possessed, transferred, or used in violation
35 of Section 32.51, Penal Code; and
36 (4) the results of any investigation.

37 (b) On the victim's request, the law enforcement
38 agency shall provide the report created under
39 Subsection (a) to the victim. In providing the report,
40 the law enforcement agency shall redact any otherwise
41 confidential information that is included in the
42 report, other than the information described by
43 Subsection (a).

44 Art. 2.295. REPORT REQUIRED IN CONNECTION WITH

1 UNAUTHORIZED ACQUISITION OR TRANSFER OF CERTAIN
2 FINANCIAL INFORMATION. (a) A peace officer to whom an
3 alleged violation of Section 31.17, Penal Code, is
4 reported shall make a written report to the law
5 enforcement agency that employs the peace officer that
6 includes the following information:

- 7 (1) the name of the victim;
- 8 (2) the name of the suspect, if known;
- 9 (3) the type of financial sight order or
10 payment card information obtained or transferred in
11 violation of Section 31.17, Penal Code; and
- 12 (4) the results of any investigation.

13 (b) On the victim's request, the law enforcement
14 agency shall provide the report created under
15 Subsection (a) to the victim. In providing the report,
16 the law enforcement agency shall redact any otherwise
17 confidential information that is included in the
18 report, other than the information described by
19 Subsection (a).

20 Revised Law

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

- 24 (1) assault under Section 22.01, Penal Code;
- 25 (2) aggravated assault under Section 22.02, Penal
26 Code;
- 27 (3) sexual assault under Section 22.011, Penal Code;
- 28 (4) aggravated sexual assault under Section 22.021,
29 Penal Code; and
- 30 (5) terroristic threat under Section 22.07, Penal
31 Code.

32 (b) A peace officer who investigates the alleged commission
33 of an offense to which Subsection (a) applies shall prepare a
34 written report that includes the information required under Article
35 5.05(a).

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

- 41 (1) described by Article 5.05(a)(1) or (2); and
- 42 (2) not exempt from disclosure under Chapter 552,
43 Government Code, or other law. (Code Crim. Proc., Art. 2.30.)

1 Source Law

2 Art. 2.30. REPORT CONCERNING CERTAIN ASSAULTIVE
3 OR TERRORISTIC OFFENSES. (a) This article applies
4 only to the following offenses:

5 (1) assault under Section 22.01, Penal
6 Code;

7 (2) aggravated assault under Section
8 22.02, Penal Code;

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

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

13 (5) terroristic threat under Section
14 22.07, Penal Code.

15 (b) A peace officer who investigates the alleged
16 commission of an offense listed under Subsection (a)
17 shall prepare a written report that includes the
18 information required under Article 5.05(a).

19 (c) On request of a victim of an offense listed
20 under Subsection (a), the local law enforcement agency
21 responsible for investigating the commission of the
22 offense shall provide the victim, at no cost to the
23 victim, with any information that is:

24 (1) contained in the written report
25 prepared under Subsection (b);

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

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

30 Revised Law

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

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

37 (2) may report to the National Crime Information
38 Center each warrant or capias issued for a defendant charged with a
39 misdemeanor other than a Class C misdemeanor who fails to appear in
40 court when summoned. (Code Crim. Proc., Art. 2.195.)

41 Source Law

42 Art. 2.195. REPORT OF WARRANT OR CAPIAS
43 INFORMATION. Not later than the 30th day after the
44 date the court clerk issues the warrant or capias, the
45 sheriff:

46 (1) shall report to the national crime
47 information center each warrant or capias issued for a
48 defendant charged with a felony who fails to appear in
49 court when summoned; and

50 (2) may report to the national crime
51 information center each warrant or capias issued for a
52 defendant charged with a misdemeanor other than a
53 Class C misdemeanor who fails to appear in court when

1 summoned.

2 Revised Law

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

- 7 (1) the name of each prisoner; and
- 8 (2) the authority under which the sheriff detains the
9 prisoner. (Code Crim. Proc., Art. 2.19.)

10 Source Law

11 Art. 2.19. REPORT AS TO PRISONERS. On the first
12 day of each month, the sheriff shall give notice, in
13 writing, to the district or county attorney, where
14 there be one, as to all prisoners in his custody,
15 naming them, and of the authority under which he
16 detains them.

17 Revised Law

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

- 21 (1) a municipal police department, sheriff's
22 department, constable's office, county attorney's office, district
23 attorney's office, and criminal district attorney's office, as
24 applicable, in a county with a population of more than 50,000; and
- 25 (2) the Department of Public Safety.

26 (b) An entity to which this article applies that
27 investigates the alleged commission of an offense under Chapter
28 20A, Penal Code, or the alleged commission of an offense under
29 Chapter 43, Penal Code, that may involve human trafficking, shall
30 submit to the attorney general a report in the manner and form
31 prescribed by the attorney general containing the following
32 information:

- 33 (1) the offense being investigated, including a brief
34 description of the alleged prohibited conduct;
- 35 (2) regarding each person suspected of committing the
36 offense and each victim of the offense, as applicable:
 - 37 (A) the person's:

1 (i) age;
2 (ii) gender; and
3 (iii) race or ethnicity, as defined by
4 Article _____ [[[2.132]]]; and

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

7 (3) the date, time, and location of the alleged
8 offense;

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

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

12 (B) causing the victim by force, fraud, or
13 coercion to engage in prohibited conduct involving one or more
14 sexual activities, including conduct described by Section
15 20A.02(a)(3), Penal Code; or

16 (C) causing a child victim by any means to engage
17 in, or become the victim of, prohibited conduct involving one or
18 more sexual activities, including conduct described by Section
19 20A.02(a)(7), Penal Code;

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

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

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

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

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

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

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

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

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

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

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

15 Source Law

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

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

23 (2) the Department of Public Safety.

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

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

35 (2) regarding each person suspected of
36 committing the offense and each victim of the offense:

37 (A) the person's:

38 (i) age;

39 (ii) gender; and

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

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

45 (3) the date, time, and location of the
46 alleged offense;

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

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

51 (B) causing the victim by force,
52 fraud, or coercion to engage in prohibited conduct

1 involving one or more sexual activities, including
2 conduct described by Section 20A.02(a)(3), Penal Code;
3 or

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

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

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

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

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

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

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

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

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

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

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

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

43 Revised Law

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

46 (1) "Deadly weapon" means:

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

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

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

55 (b) The attorney general by rule shall create a written and

1 electronic form for the reporting by law enforcement agencies of an
2 officer-involved injury or death. The form must include spaces to
3 report only the following information:

4 (1) the date the incident occurred;

5 (2) the location where the incident occurred;

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

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

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

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

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

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

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

22 (A) the execution of a warrant; or

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

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

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

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

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

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

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

13 Source Law

14 Art. 2.139. REPORTS REQUIRED FOR
15 OFFICER-INVOLVED INJURIES OR DEATHS. (a) In this
16 article:

17 (1) "Deadly weapon" means:

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

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

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

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

34 (1) the date on which the incident
35 occurred;

36 (2) the location where the incident
37 occurred;

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

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

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

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

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

50 (8) whether each peace officer involved in
51 the incident was responding to an emergency call or a
52 request for assistance and, if so, whether the officer
53 responded to that call or request with one or more
54 other peace officers; and

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

3 (A) the execution of a warrant; or
4 (B) a hostage, barricade, or other
5 emergency situation.

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

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

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

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

27 (2) a summary of the reports submitted to
28 the office under this article; and

29 (3) a copy of each report submitted to the
30 office under this article.

31 Revised Law

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

39 (1) the date the incident occurred;

40 (2) the location where the incident occurred;

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

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

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

48 (b) Not later than the 30th day after the date of the
49 occurrence of an incident described by Subsection (a), the law

1 enforcement agency employing the injured or deceased officer at the
2 time of the incident shall complete and submit a written or
3 electronic report, using the form created under that subsection, to
4 the attorney general. The report must include all information
5 described in Subsection (a).

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

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

17 Source Law

18 Art. 2.1395. REPORTS REQUIRED FOR CERTAIN
19 INJURIES OR DEATHS OF PEACE OFFICERS. (a) The office
20 of the attorney general by rule shall create a written
21 and electronic form for the reporting by law
22 enforcement agencies of incidents in which, while a
23 peace officer is performing an official duty, a person
24 who is not a peace officer discharges a firearm and
25 causes injury or death to the officer. The form must
26 include spaces to report only the following
27 information:

- 28 (1) the date on which the incident
29 occurred;
- 30 (2) the location where the incident
31 occurred;
- 32 (3) the age, gender, and race or ethnicity
33 of each injured or deceased peace officer involved in
34 the incident;
- 35 (4) if known, the age, gender, and race or
36 ethnicity of each person who discharged a firearm and
37 caused injury or death to a peace officer involved in
38 the incident; and
- 39 (5) whether the officer or any other
40 person was injured or died as a result of the incident.

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

49 (c) Not later than March 1 of each year, the
50 office of the attorney general shall submit a report

1 regarding all incidents described by Subsection (a)
2 that occurred during the preceding year to the
3 governor and the standing legislative committees with
4 primary jurisdiction over criminal justice matters.
5 The report must include:

6 (1) the total number of incidents that
7 occurred;

8 (2) a summary of the reports submitted to
9 the office under this article; and

10 (3) a copy of each report submitted to the
11 office under this article.

12 Revised Law

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

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

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

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

39 (e) A civil penalty collected under this article shall be

1 deposited to the credit of the compensation to victims of crime fund
2 established under Subchapter J, Chapter 56B. (Code Crim. Proc.,
3 Art. 2.13951.)

4 Source Law

5 Art. 2.13951. NOTICE OF VIOLATION OF REPORTING
6 REQUIREMENTS FOR CERTAIN INJURIES OR DEATHS; CIVIL
7 PENALTY. (a) The office of the attorney general shall
8 conduct an investigation after receiving a written and
9 signed report, on a form prescribed by the office,
10 asserting that a law enforcement agency failed to
11 submit a report required by Article 2.139 or 2.1395.
12 If the office determines that the law enforcement
13 agency failed to submit the report, the office shall
14 provide notice of the failure to the agency. The
15 notice must summarize the applicable reporting
16 requirement and state that the agency may be subject to
17 a civil penalty as provided by Subsection (b) or (c),
18 as applicable.

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

26 (c) Beginning on the day after the date of
27 receiving notice under Subsection (a), a law
28 enforcement agency that, in the five-year period
29 preceding the date the agency received the notice, has
30 been liable for a civil penalty under Subsection (b) or
31 this subsection is liable for a civil penalty for each
32 day the agency fails to submit the required report.
33 The amount of a civil penalty under this subsection is
34 \$10,000 for the first day and \$1,000 for each
35 additional day that the agency fails to submit the
36 report.

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

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

43 Revised Law

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

45 (a) In this article:

46 (1) "Attorney representing the state" means an
47 attorney authorized by law to represent the state in a criminal
48 case, including a district attorney, criminal district attorney, or
49 county attorney with criminal jurisdiction. The term does not
50 include an attorney representing the state in a justice or
51 municipal court under Chapter 45.

52 (2) "Law enforcement agency" means an agency of the

1 state or an agency of a political subdivision of the state
2 authorized by law to employ peace officers.

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

10 (c) If at any time after a case is filed with an attorney
11 representing the state the law enforcement agency discovers or
12 acquires any additional document, item, or information required to
13 be disclosed to the defendant under Article 39.14, an agency
14 employee shall promptly disclose the document, item, or information
15 to the attorney representing the state. (Code Crim. Proc., Art.
16 2.1397.)

17 Source Law

18 Art. 2.1397. DUTIES OF LAW ENFORCEMENT AGENCY
19 FILING CASE. (a) In this article:

20 (1) "Attorney representing the state"
21 means an attorney authorized by law to represent the
22 state in a criminal case, including a district
23 attorney, criminal district attorney, or county
24 attorney with criminal jurisdiction. The term does
25 not include an attorney representing the state in a
26 justice or municipal court under Chapter 45.

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

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

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

1 Revised Law

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

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

8 (2) is an illegal criminal alien as defined by Section
9 493.015, Government Code. (Code Crim. Proc., Art. 2.25.)

10 Source Law

11 Art. 2.25. REPORTING CERTAIN ALIENS TO FEDERAL
12 GOVERNMENT. A judge shall report to the United States
13 Immigration and Naturalization Service a person who
14 has been convicted in the judge's court of a crime or
15 has been placed on deferred adjudication for a felony
16 and is an illegal criminal alien as defined by Section
17 493.015(a), Government Code.

18 Revisor's Note

19 (1) Article 2.25, Code of Criminal Procedure,
20 refers to the "United States Immigration and
21 Naturalization Service." In 2003, the Immigration and
22 Naturalization Service was abolished and its functions
23 were transferred to the United States Department of
24 Homeland Security. See Homeland Security Act of 2002
25 (6 U.S.C. Section 101 et seq.). The department then
26 created United States Immigration and Customs
27 Enforcement to carry out immigration enforcement
28 duties, including the removal of aliens who have been
29 convicted of certain crimes.

30 (2) Article 2.25, Code of Criminal Procedure,
31 refers to a person being placed on "deferred
32 adjudication." The revised law substitutes "deferred
33 adjudication community supervision" for "deferred
34 adjudication" because in this context the terms are
35 synonymous and "deferred adjudication community
36 supervision" is the term used in Subchapter C, Chapter
37 42A, Code of Criminal Procedure.

1 Revised Law

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

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

11 Source Law

12 Art. 2.211. HATE CRIME REPORTING. In addition
13 to performing duties required by Article 2.21, a clerk
14 of a district or county court in which an affirmative
15 finding under Article 42.014 is requested shall report
16 that request to the Texas Judicial Council, along with
17 a statement as to whether the request was granted by
18 the court and, if so, whether the affirmative finding
19 was entered in the judgment in the case. The clerk
20 shall make the report required by this article not
21 later than the 30th day after the date the judgment is
22 entered in the case.

23 Revisor's Note

24 Article 2.211, Code of Criminal Procedure,
25 imposes a reporting duty on clerks "[i]n addition to
26 performing duties required by Article 2.21." The
27 revised law omits the quoted provision because an
28 accepted general principle of statutory construction
29 requires that a statute be given cumulative effect
30 with other statutes unless the statute provides
31 otherwise or unless the statute conflicts with another
32 statute. That general principle applies to the revised
33 law.

34 Revised Law

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

- 1 (1) the date the attachment was issued;
- 2 (2) whether the attachment was issued in connection
3 with a grand jury investigation, criminal trial, or other criminal
4 proceeding;
- 5 (3) the name of the person requesting and of the judge
6 issuing the attachment; and
- 7 (4) the statutory authority under which the attachment
8 was issued. (Code Crim. Proc., Art. 2.212.)

9 Source Law

10 Art. 2.212. WRIT OF ATTACHMENT REPORTING. Not
11 later than the 30th day after the date a writ of
12 attachment is issued in a district court, statutory
13 county court, or county court, the clerk of the court
14 shall report to the Texas Judicial Council:

- 15 (1) the date the attachment was issued;
- 16 (2) whether the attachment was issued in
17 connection with a grand jury investigation, criminal
18 trial, or other criminal proceeding;
- 19 (3) the names of the person requesting and
20 the judge issuing the attachment; and
- 21 (4) the statutory authority under which
22 the attachment was issued.

23 Revised Law

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

- 31 (1) not later than the 10th day after the date the
32 request is received; and
- 33 (2) in the form prescribed by the attorney general.

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

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

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

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

6 Source Law

7 Art. 2.23. REPORT TO ATTORNEY GENERAL. (a) The
8 clerks of the district and county courts shall, when
9 requested in writing by the Attorney General, report
10 to the Attorney General not later than the 10th day
11 after the date the request is received, and in the form
12 prescribed by the Attorney General, information in
13 court records that relates to a criminal matter,
14 including information requested by the Attorney
15 General for purposes of federal habeas review.

16 (b) A state agency or the office of an attorney
17 representing the state shall, when requested in
18 writing by the Attorney General, provide to the
19 Attorney General any record that is needed for
20 purposes of federal habeas review. The agency or
21 office must provide the record not later than the 10th
22 day after the date the request is received and in the
23 form prescribed by the Attorney General.

24 (c) A district court, county court, state
25 agency, or office of an attorney representing the
26 state may not restrict or delay the reproduction or
27 delivery of a record requested by the Attorney General
28 under this article.