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MEMORANDUM

TO: Prospective Reviewers of the Code of Criminal Procedure

FROM: Jeff Guidry  
Chief Revisor, Code of Criminal Procedure

DATE: January 14, 2025

SUBJECT: Review of Proposed Nonsubstantive Revision of Chapters 5, 9, 49, and 50, Code of Criminal Procedure

REVIEW OF PROPOSED NONSUBSTANTIVE REVISIONS OF TEXAS STATUTES

As part of the statutory revision program required by Section 323.007, Government Code, the Texas Legislative Council has prepared a nonsubstantive revision of portions of the Code of Criminal Procedure. Our charge from the legislature in the statutory revision program is to add clarity and usability to the law. This includes rearranging the statutes into a more logical order, eliminating repealed, duplicative, unconstitutional, expired, executed, and other ineffective provisions, and improving the draftsmanship of the statutes, as practicable.

In the 83rd Legislature, the House Select Committee on Criminal Procedure Reform was appointed to study and make recommendations regarding the reorganization and revision of the Code of Criminal Procedure. The committee's interim report to the 84th Legislature recommended that the code "be consistently addressed in *every* legislative session." Specifically, the committee suggested that "entire Chapters be non-substantively addressed in every session on an *ad hoc* basis." Tex. H. Comm. on Crim. Proc. Reform, 83rd Leg., Interim Rep. (Dec. 2014)

Prior revisions of the Code of Criminal Procedure were passed by the 84th, 85th, 86th, and 88th Legislatures and created Articles 1.025 and 1.026 and Chapters 2A, 2B, 7B, 13A, 18A, 18B, 19A, 20A, 31A, 42A, 45A, 55A, 56A, 56B, 58, 66, and 67, Code of Criminal Procedure. For the 89th Legislature, the following chapters of the Code of Criminal Procedure have been revised:

- Chapter 5, as proposed Chapter 5A. Preventing, Investigating, and Prosecuting Family Violence
- Chapter 9, as proposed Chapter 9A. Trade, Business, or Occupation Injurious to Public Health

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- Chapter 49, as proposed Chapter 49A. Death Inquests
- Chapter 50, as proposed Chapter 50A. Fire Inquests

The council has available for review preliminary drafts of the proposed code chapters prepared for introduction during the 89th Legislature, Regular Session. The council seeks review of the proposed chapters by interested parties before the chapters are compiled into a bill for consideration by the legislature so that any suggested changes to the chapters can be incorporated early in the process.

The preliminary drafts of the proposed chapters are arranged to facilitate review. Each article of the chapter provides the Revised Law, which is the text of the proposed language to be enacted, followed by the Source Law, the text of the current law that has been revised. When an explanation of either the revised law or source law is needed, a Revisor's Note follows. The substance of the source law for an article is included in the revised law or the reason for its omission is explained in a revisor's note.

In reviewing the proposed chapters of the Code of Criminal Procedure, please note that the revision is nonsubstantive. The sole purpose of the project is to arrange the current law in a logical fashion and rewrite that law in modern American English without altering its meaning or legal effect. If the source law for a provision is ambiguous and the ambiguity cannot be resolved without substantively changing the meaning or effect of the law, the ambiguity is preserved. In preparing the draft for filing, minor changes may be made to the revised law and revisor's notes for consistency.

The preliminary drafts of the proposed chapters are available for review on the council's Internet website, <http://www.tlc.texas.gov>. To receive copies of one or more chapters, please send a request for the chapters to the attention of Robert Evans at the above address or by e-mail to [Robert.Evans@tlc.texas.gov](mailto:Robert.Evans@tlc.texas.gov). If you are aware of another person who may wish to review one or more chapters, please share this information with that person.

Jeff Guidry is the project manager for this revision and is available by phone at (512) 463-1151 or by e-mail at [Jeff.Guidry@tlc.texas.gov](mailto:Jeff.Guidry@tlc.texas.gov) to address any concerns you may have. Please contact him directly with your comments regarding the revision and any questions you might have. To ensure that he is able to incorporate any necessary changes in a timely manner, please provide comments not later than Friday, February 14, 2025.

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Again, please note that the documents are preliminary drafts, and your assistance in reviewing the proposed chapters is very much appreciated.

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