

# TEXAS JUSTICE COURT TRAINING CENTER

## 2017 Legislative Update



**A compiled reference guide of revisions  
to statutes enacted by the 85th Regular  
Session of the Texas Legislature**



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Justices of the Peace & Constables Association of Texas, Inc.**

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# Foreword

On behalf of the Legal Department, Texas Justice Court Training Center, and the Justice of the Peace & Constables Association of Texas, we hope you find this book to be a valuable resource as you adjust to the changes implemented by the 85<sup>th</sup> Legislature. You may utilize this guide using any of the following three methods: First, you may use the tabs located on the outside of the book to look up an entire code in order to review all the changes made to that code. Second, you may use the chart located at the beginning of each code to identify which specific statutes have changed, then review those statutes individually. We have listed the statutes in ascending numerical order within each tabbed code section. Third, you may use the chart, organized by bill number, in the back of the book in order to determine which specific statutes were modified by each bill tracked by the Texas Justice Court Training Center during the 85<sup>th</sup> Regular Session of the Texas Legislature.

As you search, please keep in mind that the underlined sections of the statutes listed are new, and ~~struck through~~ sections have been repealed. Additionally, the entire section or subsection listed in the heading may not be reprinted due to space, clarity, and/or expense. We have reprinted additional subsections to assist you when the legislative changes alone are unclear. However, we recommend comparing the legislative changes you find in this book to the full existing text of the statute. Additional resources that may assist you in understanding the changes to Texas law made by the legislature include the TJCTC Legislative Update PowerPoint and the Texas Legislature Online website. Additionally, the TJCTC Legal Department is always available to assist you with questions.

We look forward to another exciting year of continuing to provide you the best continuing legal education that we can. See you on the road!

Special thanks to Jama Pantel, Constable Carlos Lopez, Judge Bill Gravell, and Judge Becky Kerbow for their invaluable contributions to this resource.

Sincerely,

*The TJCTC Legal Department*





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## ALCOHOLIC BEVERAGE CODE

Section	Bill Modifying
106.04	SB 966
106.05	SB 966
106.12	HB 2059

# ALCOHOLIC BEVERAGE CODE

## **Sec. 106.04. CONSUMPTION OF ALCOHOL BY A MINOR.**

- (a) A minor commits an offense if he consumes an alcoholic beverage.
- (f) Except as provided by Subsection (g), Subsection (a) does not apply to a minor who reports the sexual assault of the minor or another person, or is the victim of a sexual assault reported by another person, to:
- (1) a health care provider treating the victim of the sexual assault;
  - (2) an employee of a law enforcement agency, including an employee of a campus police department of an institution of higher education; or
  - (3) the Title IX coordinator of an institution of higher education or another employee of the institution responsible for responding to reports of sexual assault.
- (g) A minor is entitled to raise the defense provided by Subsection (f) in the prosecution of an offense under this section only if the minor is in violation of this section at the time of the commission of a sexual assault that is:
- (1) reported by the minor under Subsection (f); or
  - (2) committed against the minor and reported by another person under Subsection (f).
- (h) A minor who commits a sexual assault that is reported under Subsection (f) is not entitled to raise the defense provided by Subsection (f) in the prosecution of the minor for an offense under this section.

## **Sec. 106.05. POSSESSION OF ALCOHOL BY A MINOR.**

- (a) Except as provided in Subsection (b) of this section, a minor commits an offense if he possesses an alcoholic beverage.
- (e) Except as provided by Subsection (f), Subsection (a) does not apply to a minor who reports the sexual assault of the minor or another person, or is the victim of a sexual assault reported by another person, to:
- (1) a health care provider treating the victim of the sexual assault;
  - (2) an employee of a law enforcement agency, including an employee of a campus police department of an institution of higher education; or
  - (3) the Title IX coordinator of an institution of higher education or another employee of the institution responsible for responding to reports of sexual assault.
- (f) A minor is entitled to raise the defense provided by Subsection (e) in the prosecution of an offense under this section only if the minor is in violation of this section at the time of the commission of a sexual assault that is:
- (1) reported by the minor under Subsection (e); or
  - (2) committed against the minor and reported by another person under Subsection (e).
- (g) A minor who commits a sexual assault that is reported under Subsection (e) is not entitled to raise the defense provided by Subsection (e) in the prosecution of the minor for an offense under this section.

## **Sec. 106.12. EXPUNCTION [EXPUNGEMENT] OF CONVICTION OR ARREST RECORDS OF A MINOR.**

- (c) If the court finds that the applicant was not convicted of any other violation of this code while he was a minor, the court shall order the conviction, together with all complaints, verdicts, sentences, prosecutorial and law enforcement records, and other documents



relating to the offense, to be expunged from the applicant's record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.

- (d) Any person placed under a custodial or noncustodial arrest for not more than one violation of this code while a minor and who was not convicted of the violation may apply to the court in which the person was charged to have the records of the arrest expunged. The application must contain the applicant's sworn statement that the applicant was not arrested for a violation of this code other than the arrest the applicant seeks to expunge. If the court finds the applicant was not arrested for any other violation of this code while a minor, the court shall order all complaints, verdicts, prosecutorial and law enforcement records, and other documents relating to the violation to be expunged from the applicant's record.
- (e) The court shall charge an applicant a fee in the amount of \$30 for each application for expunction ~~[expungement]~~ filed under this section to defray the cost of notifying state agencies of orders of expunction ~~[expungement]~~ under this section.
- (f) The procedures for expunction provided under this section are separate and distinct from the expunction procedures under Chapter 55, Code of Criminal Procedure.

## BUSINESS & COMMERCE CODE

Section	Bill Modifying
17.45	SB 2065
17.46	SB 2065
102.101	HB 29
102.102	HB 29

## BUSINESS & COMMERCE CODE

### Sec. 17.45. DEFINITIONS.

(14) "Vehicle protection product":

(A) means a product or system, including a written warranty:

(i) that is:

(a) installed on or applied to a vehicle; and

(b) designed to prevent loss of or damage to a vehicle from a specific cause; and

(ii) under which, after installation or application of the product or system described by Subparagraph (i), if loss or damage results from the failure of the product or system to perform as represented in the warranty, the warrantor, to the extent agreed on as part of the warranty, is required to pay expenses to the person in this state who purchases or otherwise possesses the product or system for the loss of or damage to the vehicle; and

(B) may also include identity recovery, as defined by Section 1304.003, Occupations Code, if the product or system described by Paragraph (A) is financed under Chapter 348 or 353, Finance Code.

(15) "Warrantor" means a person named under the terms of a vehicle protection product warranty as the contractual obligor to a person in this state who purchases or otherwise possesses a vehicle protection product.

(16) "Loss of or damage to the vehicle," for purposes of Subdivision (14)(A)(ii), may also include unreimbursed incidental expenses that may be incurred by the

warrantor, including expenses for a replacement vehicle, temporary vehicle rental expenses, and registration expenses for replacement vehicles.

### Sec. 17.46. DECEPTIVE TRADE PRACTICES UNLAWFUL.

(b) Except as provided in Subsection (d) of this section, the term "false, misleading, or deceptive acts or practices" includes, but is not limited to, the following acts:

(33) a warrantor of a vehicle protection product warranty using, in connection with the product, a name that includes "casualty," "surety," "insurance," "mutual," or any other word descriptive of an insurance business, including property or casualty insurance, or a surety business.

### SUBCHAPTER C. NOTICE REQUIREMENTS ON PREMISES OF SEXUALLY ORIENTED BUSINESSES.

### Sec. 102.101. POSTING OF CERTAIN SIGN REQUIRED.

(a) A sexually oriented business shall post by the sink area in each restroom on the premises one sign that directs a victim of human trafficking to contact the National Human Trafficking Resource Center. Except as provided by Subsection (c), the sign must be 11 inches by 17 inches in size.

(b) The attorney general by rule shall prescribe the design, content, and manner of display of the sign required by this section. The sign must:

(1) be in both English and Spanish; and

(2) include the telephone number and Internet website of the National Human Trafficking Resource Center.

(c) The attorney general by rule may require the sign to:

(1) be in an additional language other than English or Spanish;

(2) be larger than 11 inches by 17 inches in size if the attorney general determines that

a larger sign is appropriate; and

(3) include other information the attorney  
general considers necessary and  
appropriate.

**Sec. 102.102. CRIMINAL PENALTY.**

(a) A person commits an offense if the person:

(1) is an owner or operator of a sexually  
oriented business; and

(2) fails to post the sign required by Section  
102.101 in compliance with that section  
and rules adopted under that section.

(b) An offense under this section is a Class C  
misdemeanor.

## CIVIL PRACTICE & REMEDIES CODE

Section	Bill Modifying
31.002	HB 1066
34.041	HB 1128
36.001 – 36.008 <i>repealed</i>	SB 944
36A.001	SB 944
36A.002	SB 944
36A.003	SB 944
36A.004	SB 944
36A.005	SB 944
36A.006	SB 944
36A.007	SB 944
36A.008	SB 944
36A.009	SB 944
36A.010	SB 944
36A.011	SB 944
51.002	HB 1128
78A.001	HB 590
78A.002	HB 590
92A.001	HB 478
92A.002	HB 478
92A.003	HB 478
112.001	HB 435

# CIVIL PRACTICE & REMEDIES CODE

## Sec. 31.002. APPLICATION.

(a) A judgment creditor is entitled to aid from a court of appropriate jurisdiction through injunction or other means in order to reach property to obtain satisfaction on the judgment if the judgment debtor owns property, including present or future rights to property, that[:

~~[(1) cannot readily be attached or levied on by ordinary legal process; and~~

~~[(2)] is not exempt from attachment, execution, or seizure for the satisfaction of liabilities.~~

## Sec. 34.041. SALE AT PLACE OTHER THAN COURTHOUSE DOOR; DATE AND TIME OF SALE.

(c) A sale of real property under this subchapter must take place between 10 a.m. and 4 p.m. on the first Tuesday of a month or, if the first Tuesday of a month occurs on January 1 or July 4, between 10 a.m. and 4 p.m. on the first Wednesday of the month. Notwithstanding Section 22.004, Government Code, the Supreme Court may not amend or adopt rules in conflict with this subsection.

## ~~CHAPTER 36. ENFORCEMENT OF JUDGMENTS OF OTHER COUNTRIES.~~

### Sec. 36.001. DEFINITIONS.

In this chapter:

(1) "Foreign country" means a governmental unit other than:

(A) the United States;

~~(B) a state, district, commonwealth, territory, or insular possession of the United States;~~

~~(C) the Panama Canal Zone; or~~

~~(D) the Trust Territory of the Pacific Islands.~~

~~(2) "Foreign country judgment" means a judgment of a foreign country granting or denying a sum of money other than a judgment for:~~

~~(A) taxes, a fine, or other penalty; or~~

~~(B) support in a matrimonial or family matter.~~

### Sec. 36.002. APPLICABILITY.

~~(a) This chapter applies to a foreign country judgment:~~

~~(1) that is final and conclusive and enforceable where rendered, even though an appeal is pending or the judgment is subject to appeal; or~~

~~(2) that is in favor of the defendant on the merits of the cause of action and is final and conclusive where rendered, even though an appeal is pending or the judgment is subject to appeal.~~

~~(b) This chapter does not apply to a judgment rendered before June 17, 1981.~~

### Sec. 36.003. SHORT TITLE.

~~This chapter may be cited as the Uniform Foreign Country Money Judgment Recognition Act.~~

### ~~Sec. 36.004. RECOGNITION AND ENFORCEMENT.~~

~~Except as provided by Section 36.005, a foreign country judgment that is filed with notice given as provided by this chapter, that meets the requirements of Section 36.002, and that is not refused recognition under Section 36.0044 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The judgment is enforceable in the same manner as a~~

~~judgment of a sister state that is entitled to full faith and credit.~~

**~~Sec. 36.0041. FILING.~~**

~~A copy of a foreign country judgment authenticated in accordance with an act of congress, a statute of this state, or a treaty or other international convention to which the United States is a party may be filed in the office of the clerk of a court in the county of residence of the party against whom recognition is sought or in any other court of competent jurisdiction as allowed under the Texas venue laws.~~

**~~Sec. 36.0042. AFFIDAVIT; NOTICE OF FILING.~~**

- ~~(a) At the time a foreign country judgment is filed, the party seeking recognition of the judgment or the party's attorney shall file with the clerk of the court an affidavit showing the name and last known post office address of the judgment debtor and the judgment creditor.~~
- ~~(b) The clerk shall promptly mail notice of the filing of the foreign country judgment to the party against whom recognition is sought at the address given and shall note the mailing in the docket.~~
- ~~(c) The notice must include the name and post office address of the party seeking recognition and that party's attorney, if any, in this state.~~

**~~Sec. 36.0043. ALTERNATE NOTICE OF FILING.~~**

- ~~(a) The party seeking recognition may mail a notice of the filing of the foreign country judgment to the other party and may file proof of mailing with the clerk.~~
- ~~(b) A clerk's lack of mailing the notice of filing does not affect the conclusive recognition of the foreign country judgment under this chapter if proof of mailing by the party seeking recognition has been filed.~~

**~~Sec. 36.0044. CONTESTING RECOGNITION.~~**

- ~~(a) A party against whom recognition of a foreign country judgment is sought may contest recognition of the judgment if, not later than the 30th day after the date of service of the notice of filing, the party files with the court, and serves the opposing party with a copy of, a motion for nonrecognition of the judgment on the basis of one or more grounds under Section 36.005. If the party is domiciled in a foreign country, the party must file the motion for nonrecognition not later than the 60th day after the date of service of the notice of filing.~~
- ~~(b) The party filing the motion for nonrecognition shall include with the motion all supporting affidavits, briefs, and other documentation.~~
- ~~(c) A party opposing the motion must file any response, including supporting affidavits, briefs, and other documentation, not later than the 20th day after the date of service on that party of a copy of the motion for nonrecognition.~~
- ~~(d) The court may, on motion and notice, grant an extension of time, not to exceed 20 days unless good cause is shown, for the filing of a response or any document that is required to establish a ground for nonrecognition but that is not available within the time for filing the document.~~
- ~~(e) A party filing a motion for nonrecognition or responding to the motion may request an evidentiary hearing that the court may allow in its discretion.~~
- ~~(f) The court may at any time permit or require the submission of argument, authorities, or supporting material in addition to that provided for by this section.~~
- ~~(g) The court may refuse recognition of the foreign country judgment if the motions, affidavits, briefs, and other evidence before it establish grounds for nonrecognition as specified in Section 36.005, but the court may not, under any circumstances, review the foreign country judgment in relation to any matter not specified in Section 36.005.~~

**~~Sec. 36.005. GROUNDS FOR NONRECOGNITION.~~**

- ~~(a) A foreign country judgment is not conclusive if:~~
- ~~(1) the judgment was rendered under a system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;~~
  - ~~(2) the foreign country court did not have personal jurisdiction over the defendant; or~~
  - ~~(3) the foreign country court did not have jurisdiction over the subject matter.~~
- ~~(b) A foreign country judgment need not be recognized if:~~
- ~~(1) the defendant in the proceedings in the foreign country court did not receive notice of the proceedings in sufficient time to defend;~~
  - ~~(2) the judgment was obtained by fraud;~~
  - ~~(3) the cause of action on which the judgment is based is repugnant to the public policy of this state;~~
  - ~~(4) the judgment conflicts with another final and conclusive judgment;~~
  - ~~(5) the proceeding in the foreign country court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court;~~
  - ~~(6) in the case of jurisdiction based only on personal service, the foreign country court was a seriously inconvenient forum for the trial of the action; or~~
  - ~~(7) it is established that the foreign country in which the judgment was rendered does not recognize judgments rendered in this state that, but for the fact that they are rendered in this state, conform to the definition of "foreign country judgment."~~

**Sec. 36.006. PERSONAL JURISDICTION.**

- (a) A court may not refuse to recognize a foreign country judgment for lack of personal jurisdiction if:

- (1) the defendant was served personally in the foreign country;
  - (2) the defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over him;
  - (3) the defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the foreign country court with respect to the subject matter involved;
  - (4) the defendant was domiciled in the foreign country when the proceedings were instituted or, if the defendant is a body corporate, had its principal place of business, was incorporated, or had otherwise acquired corporate status in the foreign country;
  - (5) the defendant had a business office in the foreign country and the proceedings in the foreign country court involved a cause of action arising out of business done by the defendant through that office in the foreign country; or
  - (6) the defendant operated a motor vehicle or airplane in the foreign country and the proceedings involved a cause of action arising out of operation of the motor vehicle or airplane.
- (b) A court of this state may recognize other bases of jurisdiction.

**~~Sec. 36.007. STAY IN CASE OF APPEAL.~~**

~~If the defendant satisfies the court either that an appeal is pending or that the defendant is entitled and intends to appeal from the foreign country judgment, the court may stay the proceedings until the appeal has been determined or until a period of time sufficient to enable the defendant to prosecute the appeal has expired.~~



**Sec. 36.008. OTHER FOREIGN COUNTRY JUDGMENTS.**

~~This chapter does not prevent the recognition of a foreign country judgment in a situation not covered by this chapter.~~

**CHAPTER 36A. ENFORCEMENT OF JUDGMENTS OF OTHER COUNTRIES.**

**Sec. 36A.001. SHORT TITLE.**

This chapter may be cited as the Uniform Foreign-Country Money Judgments Recognition Act.

**Sec. 36A.002. DEFINITIONS.**

In this chapter:

- (1) "Foreign country" means a government other than:
  - (A) the United States;
  - (B) a state, district, commonwealth, territory, or insular possession of the United States; or
  - (C) any other government with respect to which the decision in this state as to whether to recognize a judgment of that government's court is initially subject to determination under Section 1, Article IV, United States Constitution (the full faith and credit clause).
- (2) "Foreign-country judgment" means a judgment of a court of a foreign country.

**Sec. 36A.003. APPLICABILITY.**

- (a) Except as otherwise provided in Subsection (b), this chapter applies to a foreign-country judgment to the extent that the judgment:
  - (1) grants or denies recovery of a sum of money; and
  - (2) under the law of the foreign country in which the judgment is rendered, is final, conclusive, and enforceable.
- (b) This chapter does not apply to a foreign-country judgment that grants or denies

recovery of a sum of money to the extent that the judgment is:

- (1) a judgment for taxes;
  - (2) a fine or other penalty; or
  - (3) a judgment for divorce, support, or maintenance, or other judgment rendered in connection with domestic relations.
- (c) A party seeking recognition of a foreign-country judgment has the burden of establishing that this chapter applies to the foreign-country judgment.

**Sec. 36A.004. STANDARDS FOR RECOGNITION OF FOREIGN-COUNTRY JUDGMENT.**

- (a) Except as otherwise provided in Subsections (b) and (c), a court of this state shall recognize a foreign-country judgment to which this chapter applies.
- (b) A court of this state may not recognize a foreign-country judgment if:
  - (1) the judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
  - (2) the foreign court did not have personal jurisdiction over the defendant; or
  - (3) the foreign court did not have jurisdiction over the subject matter.
- (c) A court of this state is not required to recognize a foreign-country judgment if:
  - (1) the defendant in the proceeding in the foreign court did not receive notice of the proceeding in sufficient time to enable the defendant to defend;
  - (2) the judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present the party's case;
  - (3) the judgment or the cause of action on which the judgment is based is repugnant to the public policy of this state or the United States;
  - (4) the judgment conflicts with another final and conclusive judgment;

(5) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in the foreign court;

(6) jurisdiction was based only on personal service and the foreign court was a seriously inconvenient forum for the trial of the action;

(7) the judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment;

(8) the specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law; or

(9) it is established that the foreign country in which the judgment was rendered does not recognize judgments rendered in this state that, but for the fact that they are rendered in this state, would constitute foreign-country judgments to which this chapter would apply under Section 36A.003.

(d) A party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition stated in Subsection (b) or (c) exists.

#### **Sec. 36A.005. PERSONAL JURISDICTION.**

(a) A foreign-country judgment may not be refused recognition for lack of personal jurisdiction if:

(1) the defendant was served with process personally in the foreign country;

(2) the defendant voluntarily appeared in the proceeding, other than for the purpose of protecting property seized or threatened with seizure in the proceeding or of contesting the jurisdiction of the court over the defendant;

(3) the defendant, before commencement of the proceeding, agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

(4) the defendant was domiciled in the foreign country when the proceeding was instituted or was a corporation or other form of business organization whose principal place of business was in, or that was organized under the laws of, the foreign country;

(5) the defendant had a business office in the foreign country and the proceeding in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign country; or

(6) the defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a cause of action arising out of that operation.

(b) The list of bases for personal jurisdiction in Subsection (a) is not exclusive. A court of this state may recognize bases of personal jurisdiction other than those listed in Subsection (a) as sufficient to support a foreign-country judgment.

#### **Sec. 36A.006. PROCEDURE FOR RECOGNITION OF FOREIGN-COUNTRY JUDGMENT.**

(a) If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition may be raised by filing an action seeking recognition of the foreign-country judgment.

(b) If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

#### **Sec. 36A.007. EFFECT OF RECOGNITION OF FOREIGN-COUNTRY JUDGMENT.**

If the court in a proceeding under Section 36A.006 finds that the foreign-country judgment is entitled to recognition under this chapter, then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is:

(1) conclusive between the parties to the

same extent as the judgment of a sister state entitled to full faith and credit in this state would be conclusive; and

(2) enforceable in the same manner and to the same extent as a judgment rendered in this state.

**Sec. 36A.008. STAY OF PROCEEDINGS PENDING APPEAL OF FOREIGN-COUNTRY JUDGMENT.**

If a party establishes that an appeal from a foreign-country judgment is pending or will be taken, the court may stay any proceedings with regard to the foreign-country judgment until:

- (1) the appeal is concluded;
- (2) the time for appeal expires; or
- (3) the appellant has had sufficient time to prosecute the appeal and has failed to do so.

**Sec. 36A.009. STATUTE OF LIMITATIONS.**

An action to recognize a foreign-country judgment must be brought within the earlier of:

- (1) the time during which the foreign-country judgment is effective in the foreign country; or
- (2) 15 years from the date that the foreign-country judgment became effective in the foreign country.

**Sec. 36A.010. UNIFORMITY OF INTERPRETATION.**

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to the subject matter of this chapter among states that enact a law based on the uniform act on which this chapter is based.

**Sec. 36A.011. SAVING CLAUSE.**

This chapter does not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of this chapter.

**CHAPTER 78A. LIABILITY OF FIRST RESPONDERS FOR ROADSIDE ASSISTANCE**

**Sec. 78A.001. DEFINITIONS.**

In this chapter:

(1) "First responder" means a law enforcement, fire protection, or emergency medical services employee or volunteer, including:

(A) a peace officer as defined by Article 2.12, Code of Criminal Procedure;

(B) fire protection personnel as defined by Section 419.021, Government Code;

(C) a volunteer firefighter who is:

(i) certified by the Texas Commission on Fire Protection or by the State Firefighters' and Fire Marshals' Association of Texas; or

(ii) a member of an organized volunteer fire-fighting unit that renders fire-fighting services without remuneration and conducts a minimum of two drills each month, each two hours long; and

(D) an individual certified as emergency medical services personnel by the Department of State Health Services.

(2) "Roadside assistance" means assistance to the owner, operator, or passenger of a motor vehicle with an incident related to the operation of the motor vehicle, including jump-starting or replacing a motor vehicle battery, lockout assistance, replacing a flat tire, and roadside vehicle breakdown assistance.

**Sec. 78A.002. LIABILITY OF FIRST RESPONDER.**

A first responder who in good faith provides roadside assistance is not liable in civil damages for damage to the motor vehicle affected by the incident for which the roadside assistance is provided that is caused by an act

or omission that occurs during the performance of the act of roadside assistance unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

## **CHAPTER 92A. LIMITATION OF LIABILITY FOR REMOVING CERTAIN INDIVIDUALS FROM MOTOR VEHICLE**

### **Sec. 92A.001. DEFINITIONS.**

In this chapter:

(1) "Motor vehicle" means a vehicle that is self-propelled or a trailer or semitrailer designed for use with a self-propelled vehicle.

(2) "Vulnerable individual" means:

(A) a child younger than seven years of age; or

(B) an individual who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the individual's self from harm.

### **Sec. 92A.002. LIMITATION OF LIABILITY.**

A person who, by force or otherwise, enters a motor vehicle for the purpose of removing a vulnerable individual from the vehicle is immune from civil liability for damages resulting from that entry or removal if the person:

(1) determines that:

(A) the motor vehicle is locked; or

(B) there is no reasonable method for the individual to exit the motor vehicle without assistance;

(2) has a good faith and reasonable belief, based on known circumstances, that entry into the motor vehicle is necessary to avoid imminent harm to the individual;

(3) before entering the motor vehicle, ensures that law enforcement is notified or 911 is called if the person is not a law enforcement officer or other first responder;

(4) uses no more force to enter the motor vehicle and remove the individual than is necessary; and

(5) remains with the individual in a safe location that is in reasonable proximity to the motor vehicle until a law enforcement officer or other first responder arrives.

### **Sec. 92A.003. EFFECT ON OTHER LAWS.**

This chapter does not affect limitation under Section 74.151 or 74.152 of a person's liability for good faith administration of emergency care.

## **CHAPTER 112. LIMITATION OF LIABILITY FOR GOVERNMENTAL UNITS**

### **Sec. 112.001. CERTAIN ACTIONS OF VOLUNTEER EMERGENCY SERVICES PERSONNEL.**

(a) In this section:

(2) "Volunteer emergency services personnel" has the meaning assigned by Section 46.01, Penal Code.

(b) A governmental unit is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code.

(c) The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

(d) This section may not be construed to waive the immunity from suit or liability of a governmental unit under Chapter 101 or any other law.

## CODE OF CRIMINAL PROCEDURE

Article	Bill Modifying
2.13	SB 4
2.1305	HB 873
2.139	HB 245
2.1395	HB 245
2.13951	HB 245
2.1396	HB 245
2.251	SB 4
2.32	SB 1253
7A.07	SB 257
14.06	SB 1913
15.17	SB 1326 / HB 3165
15.21	HB 3165
16.22	SB 1326 / SB 1849
16.23	SB 1849
17.03	SB 1576
17.032	SB 1326 / SB 1849
17.16	SB 4
17.42	SB 1913 / HB 3165
18.01	HB 1727 / HB 3237
18.10	HB 3237
24.011	SB 291
24.111	SB 291
24.12	SB 291
24.14	SB 291

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<b>Article</b>	<b>Bill Modifying</b>
24.22	SB 291
24.221	SB 291
24.222	SB 291
27.14	SB 1913
27.18	HB 3165
29.035	HB 1266
42.014	HB 2908
42.0196	SB 500
43.09	SB 1913
45.014	SB 1913 / HB 351
45.016	SB 1913 / HB 351
45.0218	HB 681
45.041	SB 1913 / HB 351
45.0425	SB 1913
45.045	SB 1913 / HB 351
45.046	SB 1913
45.048	SB 1913
45.049	SB 1913 / HB 351
45.0491	SB 1913 / HB 351
45.0492 (as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011).	SB 1913 / HB 351
45.0492 (as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011).	SB 1913 / HB 351
45.050	HB 3272
45.051	SB 1913
45.0511	SB 1913

<b>Article</b>	<b>Bill Modifying</b>
47.01a	SB 631
47.02	SB 631
49.07	HB 799
49.51	SB 239
49.52	SB 239
55.01	HB 557
55.02	HB 557
56.81	SB 256
56.82	SB 256
56.83	SB 256
56.90	SB 256
62.007	SB 1304
63.0041	HB 1503
63.009	HB 1503
102.006	HB 557
102.0071	HB 351
102.017	SB 42
103.0031	SB 1913
103.0033	HB 3167
103.0081	SB 413

# CODE OF CRIMINAL PROCEDURE

## Art. 2.13. DUTIES AND POWERS.

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

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

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

- (1) conducting a separate investigation of any other alleged criminal offense; or
- (2) inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense.

## Art. 2.1305. CARRYING WEAPON ON CERTAIN PREMISES.

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

(b) For purposes of this article:

(1) "Establishment serving the public" means:

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

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

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

(D) a sports venue; and

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

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

## Art. 2.139. REPORTS REQUIRED FOR OFFICER-INVOLVED INJURIES OR DEATHS.

(c) Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report, using the form created under Subsection (b), to the office of the attorney general [~~and, if the agency maintains an Internet website, post a copy of the report on the agency's website~~]. The report must include all information described in Subsection (b).

(e) Not later than ~~March~~ [February] 1 of each year, the office of the attorney general shall submit a report regarding all officer-involved injuries or deaths that occurred during the preceding year to the governor and the standing legislative committees with primary



jurisdiction over criminal justice matters. The report must include:

- (1) the total number of officer-involved injuries or deaths;
- (2) a summary of the reports submitted to the office under this article; and
- (3) a copy of each report submitted to the office under this article.

**Art. 2.1395. REPORTS REQUIRED FOR CERTAIN INJURIES OR DEATHS OF PEACE OFFICERS.**

- (b) Not later than the 30th day after the date of the occurrence of an incident described by Subsection (a), the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report, using the form created under that subsection, to the office of the attorney general [~~and, if the agency maintains an Internet website, post a copy of the report on the agency's website~~]. The report must include all information described in Subsection (a).
- (c) Not later than March [~~February~~] 1 of each year, the office of the attorney general shall submit a report regarding all incidents described by Subsection (a) that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:
- (1) the total number of incidents that occurred;
  - (2) a summary of the reports submitted to the office under this article; and
  - (3) a copy of each report submitted to the office under this article.

**Art. 2.13951. NOTICE OF VIOLATION OF REPORTING REQUIREMENTS FOR CERTAIN INJURIES OR DEATHS; CIVIL PENALTY.**

- (a) The office of the attorney general shall conduct an investigation after receiving a written and signed report, on a form

prescribed by the office, asserting that a law enforcement agency failed to submit a report required by Article 2.139 or 2.1395. If the office determines that the law enforcement agency failed to submit the report, the office shall provide notice of the failure to the agency. The notice must summarize the applicable reporting requirement and state that the agency may be subject to a civil penalty as provided by Subsection (b) or (c), as applicable.

- (b) Except as provided by Subsection (c), a law enforcement agency that fails to submit the required report on or before the seventh day after the date of receiving notice under Subsection (a) is liable for a civil penalty in the amount of \$1,000 for each day after the seventh day that the agency fails to submit the report.
- (c) Beginning on the day after the date of receiving notice under Subsection (a), a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty under Subsection (b) or this subsection is liable for a civil penalty for each day the agency fails to submit the required report. The amount of a civil penalty under this subsection is \$10,000 for the first day and \$1,000 for each additional day that the agency fails to submit the report.
- (d) The attorney general may sue to collect a civil penalty under this article.
- (e) A civil penalty collected under this article shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter B, Chapter 56.

**Art. 2.1396 [~~2.139~~]. VIDEO RECORDINGS OF ARRESTS FOR INTOXICATION OFFENSES.**

A person stopped or arrested on suspicion of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, is entitled to receive from a law enforcement agency employing the peace officer who made the stop or arrest a copy of any video made by or at the direction of the officer that contains

footage of:

- (1) the stop;
- (2) the arrest;
- (3) the conduct of the person stopped during any interaction with the officer, including during the administration of a field sobriety test; or
- (4) a procedure in which a specimen of the person's breath or blood is taken.

**Art. 2.251. DUTIES RELATED TO IMMIGRATION DETAINER REQUESTS.**

(a) A law enforcement agency that has custody of a person subject to an immigration detainer request issued by United States Immigration and Customs Enforcement shall:

- (1) comply with, honor, and fulfill any request made in the detainer request provided by the federal government; and
- (2) inform the person that the person is being held pursuant to an immigration detainer request issued by United States Immigration and Customs Enforcement.

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

**Art. 2.32. ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS.**

(a) In this article:

(1) "Electronic recording" means an audiovisual electronic recording, or an audio recording if an audiovisual electronic recording is unavailable, that is authentic, accurate, and unaltered.

(2) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of this state, that employs peace officers who, in the routine performance of the

officers' duties, conduct custodial interrogations of persons suspected of committing criminal offenses.

(3) "Place of detention" means a police station or other building that is a place of operation for a law enforcement agency, including a municipal police department or county sheriff's department, and is owned or operated by the law enforcement agency for the purpose of detaining persons in connection with the suspected violation of a penal law. The term does not include a courthouse.

(b) Unless good cause exists that makes electronic recording infeasible, a law enforcement agency shall make a complete and contemporaneous electronic recording of any custodial interrogation that occurs in a place of detention and is of a person suspected of committing or charged with the commission of an offense under:

- (1) Section 19.02, Penal Code (murder);
- (2) Section 19.03, Penal Code (capital murder);
- (3) Section 20.03, Penal Code (kidnapping);
- (4) Section 20.04, Penal Code (aggravated kidnapping);
- (5) Section 20A.02, Penal Code (trafficking of persons);
- (6) Section 20A.03, Penal Code (continuous trafficking of persons);
- (7) Section 21.02, Penal Code (continuous sexual abuse of young child or children);
- (8) Section 21.11, Penal Code (indecent with a child);
- (9) Section 21.12, Penal Code (improper relationship between educator and student);
- (10) Section 22.011, Penal Code (sexual assault);
- (11) Section 22.021, Penal Code (aggravated sexual assault); or
- (12) Section 43.25, Penal Code (sexual performance by a child).

(c) For purposes of Subsection (b), an electronic recording of a custodial

interrogation is complete only if the recording:

(1) begins at or before the time the person being interrogated enters the area of the place of detention in which the custodial interrogation will take place or receives a warning described by Section 2(a), Article 38.22, whichever is earlier; and

(2) continues until the time the interrogation ceases.

(d) For purposes of Subsection (b), good cause that makes electronic recording infeasible includes the following:

(1) the person being interrogated refused to respond or cooperate in a custodial interrogation at which an electronic recording was being made, provided that:

(A) a contemporaneous recording of the refusal was made; or

(B) the peace officer or agent of the law enforcement agency conducting the interrogation attempted, in good faith, to record the person's refusal but the person was unwilling to have the refusal recorded, and the peace officer or agent contemporaneously, in writing, documented the refusal;

(2) the statement was not made as the result of a custodial interrogation, including a statement that was made spontaneously by the accused and not in response to a question by a peace officer;

(3) the peace officer or agent of the law enforcement agency conducting the interrogation attempted, in good faith, to record the interrogation but the recording equipment did not function, the officer or agent inadvertently operated the equipment incorrectly, or the equipment malfunctioned or stopped operating without the knowledge of the officer or agent;

(4) exigent public safety concerns prevented or rendered infeasible the making of an electronic recording of the statement; or

(5) the peace officer or agent of the law enforcement agency conducting the interrogation reasonably believed at the

time the interrogation commenced that the person being interrogated was not taken into custody for or being interrogated concerning the commission of an offense listed in Subsection (b).

(e) A recording of a custodial interrogation that complies with this article is exempt from public disclosure as provided by Section 552.108, Government Code.

#### **Art. 7A.07. DURATION OF PROTECTIVE ORDER.**

(a) A protective order issued under Article 7A.03 may be effective for the duration of the lives of the offender and victim or for any shorter period stated in the order. If a period is not stated in the order, the order is effective until the second anniversary of the date the order was issued.

(b) The following persons may file at any time an application with the court to rescind the protective order:

(1) a victim of an offense listed in Article 7A.01(a)(1) who is 17 years of age or older or a parent or guardian acting on behalf of a victim who is younger than 17 years of age; or

(2) a victim of an offense listed in Article 7A.01(a)(2) or a parent or guardian acting on behalf of a victim who is younger than 18 years of age.

~~(c) If a person who is the subject of a protective order issued under Article 7A.03 is confined or imprisoned on the date the protective order is due to expire under Subsection (a), the period for which the order is effective is extended, and the order expires on the first anniversary of the date the person is released from confinement or imprisonment.~~

(d) To the extent of any conflict with Section 85.025, Family Code, this article prevails.

#### **Art. 14.06. MUST TAKE OFFENDER BEFORE MAGISTRATE.**

(b) A peace officer who is charging a person, including a child, with committing an offense

that is a Class C misdemeanor, other than an offense under Section 49.02, Penal Code, may, instead of taking the person before a magistrate, issue a citation to the person that contains:

- (1) written notice of the time and place the person must appear before a magistrate;
- (2) [;] the name and address of the person charged;
- (3) [;] the offense charged;
- (4) information regarding the alternatives to the full payment of any fine or costs assessed against the person, if the person is convicted of the offense and is unable to pay that amount;[;] and
- (5) the following admonishment, in boldfaced or underlined type or in capital letters:

*"If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney."*

**Art. 15.17. DUTIES OF ARRESTING OFFICER AND MAGISTRATE.**

- (a) In each case enumerated in this Code, the person making the arrest or the person having custody of the person arrested shall without unnecessary delay, but not later than 48 hours after the person is arrested, take the person arrested or have him taken before some magistrate of the county where the accused was arrested or, to provide more expeditiously to the person arrested the warnings described by this article, before a magistrate in any other county of this state. The arrested person may be taken before the magistrate in person or the

image of the arrested person may be presented to the magistrate by means of a videoconference [~~an electronic broadcast system~~]. The magistrate shall inform in clear language the person arrested, either in person or through a videoconference [~~the electronic broadcast system~~], of the accusation against him and of any affidavit filed therewith, of his right to retain counsel, of his right to remain silent, of his right to have an attorney present during any interview with peace officers or attorneys representing the state, of his right to terminate the interview at any time, and of his right to have an examining trial. The magistrate shall also inform the person arrested of the person's right to request the appointment of counsel if the person cannot afford counsel. The magistrate shall inform the person arrested of the procedures for requesting appointment of counsel. If the person does not speak and understand the English language or is deaf, the magistrate shall inform the person in a manner consistent with Articles 38.30 and 38.31, as appropriate. The magistrate shall ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person at the same time. If the person arrested is indigent and requests appointment of counsel and if the magistrate is authorized under Article 26.04 to appoint counsel for indigent defendants in the county, the magistrate shall appoint counsel in accordance with Article 1.051. If the magistrate is not authorized to appoint counsel, the magistrate shall without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, transmit, or cause to be transmitted to the court or to the courts' designee authorized under Article 26.04 to appoint counsel in the county, the forms requesting the appointment of counsel. The magistrate shall also inform the person arrested that he is not required to make a statement and that any statement made by him may be used against him. The magistrate shall allow the person arrested reasonable time and opportunity to consult

counsel and shall, after determining whether the person is currently on bail for a separate criminal offense, admit the person arrested to bail if allowed by law. A record ~~[recording]~~ of the communication between the arrested person and the magistrate shall be made. The record ~~[recording]~~ shall be preserved until the earlier of the following dates: (1) the date on which the pretrial hearing ends; or (2) the 91st day after the date on which the record ~~[recording]~~ is made if the person is charged with a misdemeanor or the 120th day after the date on which the record ~~[recording]~~ is made if the person is charged with a felony. ~~[The counsel for the defendant may obtain a copy of the recording on payment of a reasonable amount to cover costs of reproduction.]~~ For purposes of this subsection, "videoconference" ~~["electronic broadcast system"]~~ means a two-way electronic communication of image and sound between the arrested person and the magistrate and includes secure Internet videoconferencing.

(a-1) If a magistrate is provided written or electronic notice of credible information that may establish reasonable cause to believe that a person brought before the magistrate has a mental illness or is a person with an intellectual disability, the magistrate shall conduct the proceedings described by Article 16.22 or 17.032, as appropriate.

(f) A record required under Subsection (a) or (e) may consist of written forms, electronic recordings, or other documentation as authorized by procedures adopted in the county under Article 26.04(a). The counsel for the defendant may obtain a copy of the record on payment of a reasonable amount to cover the costs of reproduction or, if the defendant is indigent, the court shall provide a copy to the defendant without charging a cost for the copy.

**Art. 15.21. RELEASE ON PERSONAL BOND [PRISONER DISCHARGED] IF NOT TIMELY DEMANDED.**

If the proper office of the county where the offense is alleged to have been committed

does not demand an ~~[the]~~ arrested person described by Article 15.19 and take charge of the arrested person before the 11th day after the date the person is committed to the jail of the county in which the person is arrested, a magistrate in the county where the person was arrested shall:

(1) release the arrested person on personal bond without sureties or other security; and

(2) forward the personal bond to:

(A) the sheriff of the county where the offense is alleged to have been committed; or

(B) the court that issued the warrant of arrest ~~[the arrested person shall be discharged from custody].~~

**Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION].**

(a)(1) Not later than 12 [72] hours after the sheriff or municipal jailer having custody of a defendant for an offense punishable as a Class B misdemeanor or any higher category of offense receives [receiving] credible information that may establish reasonable cause to believe that the [a] defendant [committed to the sheriff's custody] has a mental illness or is a person with an intellectual disability [mental retardation, including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant], the sheriff or municipal jailer shall provide written or electronic notice [of the information] to the magistrate. The notice must include any information related to the sheriff's or municipal jailer's determination, such as information regarding the defendant's behavior immediately before, during, and after the defendant's arrest and, if applicable, the results of any previous assessment of the defendant. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person

with an intellectual disability [~~mental retardation~~], the magistrate, except as provided by Subdivision (2), shall order the local mental health [~~or mental retardation~~] authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability [~~mental retardation~~] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability [~~mental retardation~~] as defined by Section 591.003, Health and Safety Code, including, if applicable, information obtained from any previous assessment of the defendant and information regarding any previously recommended treatment; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A) on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(b), Health and Safety Code.

(2) The magistrate is not required to order the collection of information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [~~mental retardation~~] by the local mental health [~~or mental retardation~~] authority, local intellectual and developmental disability authority, or another mental health or intellectual disability [~~mental retardation~~] expert described by Subdivision (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order

the defendant to submit to an examination in a jail or in another place [~~mental health facility~~] determined to be appropriate by the local mental health [~~or mental retardation~~] authority or local intellectual and developmental disability authority for a reasonable period not to exceed 72 hours [~~21 days~~]. If applicable, the [~~The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Department of Aging and Disability Services for examination only on request of the local mental health or mental retardation authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Department of Aging and Disability Services for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That~~] county in which the committing court is located shall reimburse the local mental health authority or local intellectual and developmental disability authority [~~facility~~] for the mileage and per diem expenses of the personnel required to transport the defendant, calculated in accordance with the state travel regulations in effect at the time.

(b) Except as otherwise permitted by the magistrate for good cause shown, a [A] written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate:

(1) for a defendant held in custody, not later than 96 hours after the time an order was issued under Subsection (a); or

(2) for a defendant released from custody, not later than the 30th day after the date an [~~of any~~] order was issued under Subsection (a).

(b-1) The [~~in a felony case and not later than the 10th day after the date of any order~~]

~~issued under that subsection in a misdemeanor case, and the~~ magistrate shall provide copies of the written assessment to the defense counsel, the ~~[prosecuting]~~ attorney representing the state, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

- (1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability ~~[mental retardation]~~;
  - (2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and
  - (3) any appropriate or recommended treatment or service.
- (c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b-1) ~~[(b)]~~ or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:
- (1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032 if the defendant is being held in custody;
  - (2) resume or initiate competency proceedings, if required, as provided by Chapter 46B or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability ~~[mental retardation]~~ services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; ~~[or]~~
  - (3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence

investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision; or

- (4) refer the defendant to an appropriate specialty court established or operated under Subtitle K, Title 2, Government Code.
- (d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article:
- (1) releasing a defendant who has a mental illness ~~[mentally ill]~~ or is a person with an intellectual disability ~~[mentally retarded defendant]~~ from custody on personal or surety bond, including imposing as a condition of release that the defendant submit to an examination or other assessment; or
  - (2) ordering an examination regarding the defendant's competency to stand trial.
- (e) The magistrate shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis the number of written assessments provided to the court under Subsection (a)(1)(B).

**Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE.**

- (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:
- (1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
  - (2) it is reasonable to divert the person;
  - (3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
  - (4) the mental health crisis or substance

abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

#### **Art. 17.03. PERSONAL BOND.**

(a) Except as provided by Subsection (b) or (b-1) [of this article], a magistrate may, in the magistrate's discretion, release the defendant on [his] personal bond without sureties or other security.

(b-1) A magistrate may not release on personal bond a defendant who, at the time of the commission of the charged offense, is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code.

#### **Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN MENTALLY ILL DEFENDANTS.**

(a) In this article, "violent offense" means an offense under the following sections of the Penal Code:

- (1) Section 19.02 (murder);
- (2) Section 19.03 (capital murder);
- (3) Section 20.03 (kidnapping);
- (4) Section 20.04 (aggravated kidnapping);
- (5) Section 21.11 (indecent with a child);
- (6) Section 22.01(a)(1) (assault), if the offense involved family violence as defined by Section 71.004, Family Code;
- (7) Section 22.011 (sexual assault);
- (8) Section 22.02 (aggravated assault);
- (9) Section 22.021 (aggravated sexual assault);
- (10) Section 22.04 (injury to a child, elderly individual, or disabled individual);
- (11) Section 29.03 (aggravated robbery);
- (12) Section 21.02 (continuous sexual abuse of young child or children); or
- (13) Section 20A.03 (continuous trafficking of persons).

(b) Notwithstanding Article 17.03(b), or a bond schedule adopted or a standing order entered by a judge, a [A] magistrate shall release a defendant on personal bond unless good cause is shown otherwise if [the]:

(1) the defendant is not charged with and has not been previously convicted of a violent offense;

(2) the defendant is examined by the local mental health [or mental retardation] authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability expert under Article 16.22 [of this code];

(3) the applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability services for the defendant, as applicable; [and]

(4) the magistrate determines, in consultation with the local mental health [or mental retardation] authority or local intellectual and developmental disability authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available in accordance with [through the Texas Department of Mental Health and Mental Retardation under] Section 534.053 or 534.103, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider; and

(5) the magistrate finds, after considering all the circumstances, a pretrial risk assessment, if applicable, and any other credible information provided by the attorney representing the state or the defendant, that release on personal bond



would reasonably ensure the defendant's appearance in court as required and the safety of the community and the victim of the alleged offense.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health ~~[or mental retardation]~~ treatment or intellectual disability services as recommended by the local mental health ~~[or mental retardation]~~ authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability expert if the defendant's:

- (1) mental illness or intellectual disability ~~[mental retardation]~~ is chronic in nature; or
- (2) ability to function independently will continue to deteriorate if the defendant is not treated.

(d) In addition to a condition of release imposed under Subsection (c) ~~[of this article]~~, the magistrate may require the defendant to comply with other conditions that are reasonably necessary to ensure the defendant's appearance in court as required and the safety of ~~[protect]~~ the community and the victim of the alleged offense.

**Art. 17.16. DISCHARGE OF LIABILITY; SURRENDER OR INCARCERATION OF PRINCIPAL BEFORE FORFEITURE; VERIFICATION OF INCARCERATION.**

(a) A surety may before forfeiture relieve the surety of the surety's undertaking by:

- (1) surrendering the accused into the custody of the sheriff of the county where the prosecution is pending; or
- (2) delivering to the sheriff of the county in which the prosecution is pending and to the office of the prosecuting attorney an affidavit stating that the accused is incarcerated in:

(A) federal custody, subject to Subsection(a-1);

(B) ~~[in]~~ the custody of any state;~~[r]~~ or

(C) ~~[in]~~ any county of this state.

(a-1) For purposes of Subsection (a)(2), the surety may not be relieved of the surety's undertaking if the accused is in federal custody to determine whether the accused is lawfully present in the United States.

**Art. 17.42. PERSONAL BOND OFFICE.**

**Sec. 4.(a)** Except as otherwise provided by this subsection, if ~~[if]~~ a court releases an accused on personal bond on the recommendation of a personal bond office, the court shall assess a personal bond fee of \$20 or three percent of the amount of the bail fixed for the accused, whichever is greater. The court may waive the fee or assess a lesser fee if good cause is shown. A court that requires a defendant to give a personal bond under Article 45.016 may not assess a personal bond fee under this subsection.

**Sec. 5.(a)** A personal bond pretrial release office established under this article shall:

- (1) prepare a record containing information about any accused person identified by case number only who, after review by the office, is released by a court on personal bond before sentencing in a pending case;
- (2) update the record on a monthly basis; and
- (3) file a copy of the record with the district or county clerk, as applicable based on court jurisdiction over the categories of offenses addressed in the records, in any county served by the office.

**Sec. 6.(b)** In preparing an annual report under Subsection (a), the office shall include in the report a statement of:

- (1) the office's operating budget;
- (2) the number of positions maintained for office staff;
- (3) the number of accused persons who, after review by the office, were released by a court on personal bond before sentencing in a pending case; and

(4) the number of persons described by Subdivision (3):

(A) ~~[who were convicted of the same offense or of any felony within the six years preceding the date on which charges were filed in the matter pending during the person's release;~~

~~[(B)]~~ who failed to attend a scheduled court appearance;

~~(B)~~ ~~[(C)]~~ for whom a warrant was issued for the ~~[person's]~~ arrest of those persons for failure to appear in accordance with the terms of their ~~[the person's]~~ release; or

~~(C)~~ ~~[(D)]~~ who, while released on personal bond, were arrested for any other offense in the same county in which the persons were released ~~[while] on [the personal] bond.~~

#### Art. 18.01. SEARCH WARRANT.

(b) No search warrant shall issue for any purpose in this state unless sufficient facts are first presented to satisfy the issuing magistrate that probable cause does in fact exist for its issuance. A sworn affidavit setting forth substantial facts establishing probable cause shall be filed in every instance in which a search warrant is requested. Except as provided by Article 18.011, the affidavit becomes ~~[is]~~ public information when the search warrant for which the affidavit was presented is ~~[if]~~ executed, and the magistrate's clerk shall make a copy of the affidavit available for public inspection in the clerk's office during normal business hours.

(i) In a county that does not have a municipal court of record with a courtroom located in that county and a judge ~~[of a municipal court of record]~~ who is an attorney licensed by the state, a county court judge who is an attorney licensed by the state, or a statutory county court judge, any magistrate may issue a search warrant under ~~[Subdivision (10) or Subdivision (12) of] Article 18.02(a)(10) or (12) [18.02 of this code].~~ This subsection is not applicable to a

subsequent search warrant under ~~[Subdivision (10) of] Article 18.02(a)(10) [18.02 of this code].~~

#### Art. 18.10. HOW RETURN MADE.

Not later than three whole days after executing a search warrant, the officer shall return the search warrant. Upon returning the search warrant, the officer shall state on the back of the same, or on some paper attached to it, the manner in which the warrant ~~[it]~~ has been executed. The officer ~~[and]~~ shall also ~~[likewise]~~ deliver to the magistrate a copy of the inventory of the property taken into his possession under the warrant. The failure of an officer to make a timely return of an executed search warrant or to submit an inventory of the property taken into the officer's possession under the warrant does not bar the admission of evidence under Article 38.23. The officer who seized the property shall retain custody of it until the magistrate issues an order directing the manner of safekeeping the property. The property may not be removed from the county in which it was seized without an order approving the removal, issued by a magistrate in the county in which the warrant was issued; provided, however, nothing herein shall prevent the officer, or his department, from forwarding any item or items seized to a laboratory for scientific analysis.

#### Art. 24.011. SUBPOENAS; CHILD WITNESSES.

(a) If a witness is younger than 18 years, the court may issue a subpoena directing a person having custody, care, or control of the child to produce the child in court.

(b) If a person, without legal cause, fails to produce the child in court as directed by a subpoena issued under this article, the court may impose on the person penalties for contempt provided by this chapter. The court may also issue a writ of attachment for the person and the child, in the same manner as other writs of attachment are issued under this chapter.

(b-1) If the defendant or the attorney representing the state requests the issuance of an attachment under this article, other than an attachment for a witness described by Subsection (c), the request must include the applicable affidavit described by Article 24.12.

**Art. 24.111. HEARING REQUIRED BEFORE ISSUANCE OF CERTAIN WRITS OF ATTACHMENT.**

(a) This article applies only to an attachment that is requested to be issued under:

(1) Article 24.011, if an affidavit is required under Article 24.011(b-1); or

(2) Article 24.12, 24.14, or 24.22.

(b) Notwithstanding any other law, a writ of attachment to which this article applies may only be issued by the judge of the court in which the witness is to testify if the judge determines, after a hearing, that the issuance of the attachment is in the best interest of justice.

(c) In making a determination under Subsection (b), the judge shall consider the affidavit of the attorney representing the state or the defendant, as applicable, that was submitted with the request for the issuance of the attachment.

(d) The court shall appoint an attorney to represent the witness at the hearing under Subsection (b), including a hearing conducted outside the presence of the witness.

**Art. 24.12. WHEN ATTACHMENT MAY ISSUE.**

When a witness who resides in the county of the prosecution has been duly served with a subpoena to appear and testify in any criminal action or proceeding fails to so appear, the attorney representing the state [State] or the defendant may request that the court issue an attachment [shall be entitled to have an attachment issued forthwith] for the [such] witness. The request must be filed with the clerk of the court and must include an affidavit

of the attorney representing the state or the defendant, as applicable, stating that the affiant has good reason to believe, and does believe, that the witness is a material witness.

**Art. 24.14. ATTACHMENT FOR RESIDENT WITNESS.**

(a) Regardless of whether the witness has disobeyed a subpoena, if [when] a witness who resides in the county of the prosecution may be about to move out of the county, [whether he has disobeyed a subpoena or not, either in term time or vacation, upon the filing of an affidavit with the clerk by] the defendant or the attorney representing the state may request that the court issue an attachment for the witness. The request must be filed with the clerk of the court and must include the applicable affidavit described by Article 24.12, except that the affidavit must additionally state [State's counsel,] that the affiant [he] has good reason to believe, and does believe, that the [such] witness [is a material witness, and] is about to move out of the county.

(b) If an attachment is issued under this article in a[, the clerk shall forthwith issue an attachment for such witness; provided, that in] misdemeanor case [cases], when the witness makes oath that the witness [he] cannot give surety, the officer executing the attachment shall take the witness's [his] personal bond.

**Art. 24.22. WITNESS FINED AND ATTACHED.**

(a) If a witness summoned from outside [without] the county refuses to obey a subpoena, the witness [he] shall be fined by the court or magistrate not exceeding five hundred dollars, which fine and judgment shall be final, unless set aside after due notice to show cause why it should not be final, which notice may immediately issue, requiring the defaulting witness to appear at once or at the next term of the [said] court, in the discretion of the magistrate issuing the subpoena [judge], to answer for the [such] default.

(b) At the time a fine is imposed under Subsection (a), on request of the defendant or the attorney representing the state, the [The] court may cause to be issued [at the same time] an attachment for the [said] witness, directed to the proper county, commanding the officer to whom the attachment [said writ] is directed to take the [said] witness into custody and have the witness [him] before the [said] court at the time specified [named] in the attachment [said writ]; in which case the [such] witness shall receive no fees, unless it appears to the court that the [such] disobedience is excusable, when the witness may receive the same pay as if the witness [he] had not been attached.

(c) A request for the issuance of an attachment under Subsection (b) must include the applicable affidavit described by Article 24.12.

(d) The [Said] fine when made final and all related costs [thereon] shall be collected in the same manner as in other criminal cases. The [Said] fine and judgment may be set aside in vacation or at the time or any subsequent term of the court for good cause shown, after the witness testifies or has been discharged.

(e) The following words shall be written or printed on the face of a [such] subpoena for an out-of-county witness [out-county witnesses]: "A disobedience of this subpoena is punishable by fine not exceeding five hundred dollars, to be collected as fines and costs in other criminal cases."

**Art. 24.221. AFFIDAVIT REGARDING CONFINEMENT.**

As soon as practicable after the sheriff takes custody of a witness pursuant to an attachment issued as provided by Article 24.111, the sheriff shall submit an affidavit to the issuing court stating that the sheriff has taken custody of the witness.

**Art. 24.222. HEARING DURING CONFINEMENT OF WITNESS.**

(a) A witness who has been confined for at least 24 hours pursuant to an attachment issued as provided by Article 24.111 may request a hearing in the issuing court regarding whether the continued confinement of the witness is necessary. The court shall grant the request and hold the hearing as soon as practicable.

(b) Any subsequent request for a hearing may be granted only if the court determines that holding the hearing is in the best interest of justice.

(c) The attorney appointed for the witness under Article 24.111 shall represent the witness at a hearing under this article.

**Art. 27.14. PLEA OF GUILTY OR NOLO CONTENDERE IN MISDEMEANOR.**

(b) A defendant charged with a misdemeanor for which the maximum possible punishment is by fine only may, in lieu of the method provided in Subsection (a) [of this article], mail or deliver in person to the court a plea of "guilty" or a plea of "nolo contendere" and a waiver of jury trial. The defendant may also request in writing that the court notify the defendant, at the address stated in the request, of the amount of an appeal bond that the court will approve. If the court receives a plea and waiver before the time the defendant is scheduled to appear in court, the court shall dispose of the case without requiring a court appearance by the defendant. If the court receives a plea and waiver after the time the defendant is scheduled to appear in court but at least five business days before a scheduled trial date, the court shall dispose of the case without requiring a court appearance by the defendant. The court shall notify the defendant either in person or by regular [certified] mail[, return receipt requested,] of the amount of any fine or costs assessed in the case, information regarding the alternatives to the full payment of any fine or costs assessed against the defendant, if the defendant is

unable to pay that amount, and, if requested by the defendant, the amount of an appeal bond that the court will approve. Except as otherwise provided by this code, the [The] defendant shall pay any fine or costs assessed or give an appeal bond in the amount stated in the notice before the 31st day after receiving the notice.

**Art. 27.18. PLEA OR WAIVER OF RIGHTS BY VIDEOCONFERENCE ~~[CLOSED-CIRCUIT VIDEO-TELECONFERENCING]~~.**

(a) Notwithstanding any provision of this code requiring that a plea or a waiver of a defendant's right be made in open court, a court may accept the plea or waiver by videoconference ~~[broadcast by closed circuit video teleconferencing]~~ to the court if:

(1) the defendant and the attorney representing the state file with the court written consent to the use of videoconference ~~[closed circuit video teleconferencing]~~;

(2) the videoconference ~~[closed circuit video teleconferencing system]~~ provides for a simultaneous, compressed full motion video, and interactive communication of image and sound between the judge, the attorney representing the state, the defendant, and the defendant's attorney; and

(3) on request of the defendant, the defendant and the defendant's attorney are able to communicate privately without being recorded or heard by the judge or the attorney representing the state.

(b) On motion of the defendant or the attorney representing the state or in the court's discretion, the court may terminate an appearance by videoconference ~~[closed circuit video teleconferencing]~~ at any time during the appearance and require an appearance by the defendant in open court.

(c) A record of the communication shall be made by a court reporter or by electronic recording and preserved by the court reporter or by electronic recording until all appellate proceedings have been disposed

of. A court reporter or court recorder is not required to transcribe or make a duplicate electronic ~~[separate]~~ recording of a plea taken under this article unless an appeal is taken in the case and a party requests a transcript. ~~The defendant may obtain a copy of the record on payment of a reasonable amount to cover the costs of reproduction or, if the defendant is indigent, the court shall provide a copy to the defendant without charging a cost for the copy.~~

(c-1) The defendant may obtain a copy of the record, including any electronic ~~[a]~~ recording, ~~[made under Subsection (c)]~~ on payment of a reasonable amount to cover the costs of reproduction or, if the defendant is indigent, the court shall provide a copy to the defendant without charging a cost for the copy.

~~(c-1) The loss or destruction of or failure to make a record of a plea entered under this article is not alone sufficient grounds for a defendant to withdraw the defendant's plea or to request the court to set aside a conviction or sentence based on the plea.~~

(c-2) The loss or destruction of or failure to create a court record or an electronic ~~[make a video]~~ recording of a plea entered under this article is not alone sufficient grounds for a defendant to withdraw the defendant's plea or to request the court to set aside a conviction, sentence, or plea.

(d) A defendant who is confined in a county other than the county in which charges against the defendant are pending may use the videoconference ~~[teleconferencing]~~ method provided by this article or by ~~[the electronic broadcast system authorized in]~~ Article 15.17 to enter a plea or waive a right in the court with jurisdiction over the case.

**Art. 29.035. FOR INSUFFICIENT NOTICE OF HEARING OR TRIAL.**

(a) Notwithstanding Article 28.01 or any other provision of this chapter, and except as otherwise provided by this article, a trial court shall grant a continuance of a criminal action on oral or written motion of the state or the defendant if the trial court sets a

hearing or trial without providing to the attorney for the state and the defendant, or the defendant's attorney, notice of the hearing or trial at least three business days before the date of the hearing or trial.

(b) This article does not apply during the period between:

(1) the date the trial begins; and

(2) the date the judgment is entered.

**Art. 42.014. FINDING THAT OFFENSE WAS COMMITTED BECAUSE OF BIAS OR PREJUDICE.**

(a) In the trial of an offense under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment of the case if at the guilt or innocence phase of the trial, the judge or the jury, whichever is the trier of fact, determines beyond a reasonable doubt that the defendant intentionally selected the person against whom the offense was committed, or intentionally selected the person's property that was damaged or affected as a result of the offense, because of the defendant's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference or by status as a peace officer or judge.

**Art. 42.0196. FINDING REGARDING OFFENSE RELATED TO PERFORMANCE OF PUBLIC SERVICE.**

(a) In the trial of an offense described by Section 810.002, Government Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the defendant is:

(1) a member of the elected class described by Section 810.002(b)(1), Government Code, while a member of the Employees Retirement System of Texas; or

(2) a holder of an elected office for which the defendant wholly or partly became eligible for membership in a public retirement system.

(b) A judge who makes the affirmative finding described by this article shall make the determination and provide the notice required by Section 810.002(k), Government Code.

**Art. 43.05. CAPIAS PRO FINE SHALL RECITE.**

(a-1) A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing on the defendant's ability to satisfy the judgment and:

(1) the defendant fails to appear at the hearing; or

(2) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.

(a-2) The court shall recall a capias pro fine if, before the capias pro fine is executed:

(1) the defendant voluntarily appears to resolve the amount owed; and

(2) the amount owed is resolved in any manner authorized by this code.

**Art. 43.09. FINE DISCHARGED.**

(a) When a defendant is convicted of a misdemeanor and the defendant's [his] punishment is assessed at a pecuniary fine or is confined in a jail after conviction of a felony for which a fine is imposed, if the defendant [he] is unable to pay the fine and costs adjudged against the defendant [him], the defendant [he] may for such time as will satisfy the judgment be put to work in the county jail industries program, in the workhouse, or on the county farm, or public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the county, as provided in Article 43.10 [the succeeding article]; or if there is [be] no such county jail industries program, workhouse, farm, or

improvements and maintenance projects, the defendant [he] shall be confined in jail for a sufficient length of time to discharge the full amount of fine and costs adjudged against the defendant [him]; rating such confinement at \$100 [50] for each day and rating such labor at \$100 [50] for each day; provided, however, that the defendant may pay the pecuniary fine assessed against the defendant [him] at any time while the defendant [he] is serving at work in the county jail industries program, in the workhouse, or on the county farm, or on the public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the county, or while the defendant [he] is serving the defendant's [his] jail sentence, and in such instances the defendant is [he shall be] entitled to the credit [he has] earned under this subsection during the time that the defendant [he] has served and the defendant [he] shall only be required to pay the [his] balance of the pecuniary fine assessed against the defendant [him]. A defendant who performs labor under this article during a day in which the defendant [he] is confined is entitled to both the credit for confinement and the credit for labor provided by this article.

(g) In the court's [its] order requiring a defendant to perform [participate in] community service [work] under Subsection (f) [of this article], the court must specify:

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

(2) whether the community supervision and corrections department or a court-related services office will perform the administrative duties required by the placement of the defendant in the community service program; and

(3) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(h) The court may order the defendant to perform community service [work] under Subsection (f):

(1) by attending a work and job skills training program, preparatory class for the high school equivalency examination administered under Section 7.111, Education Code, or similar activity; or

(2) [of this article only] for:

(A) a governmental entity;

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

(C) an educational institution.

(h-1) An [A governmental] entity [or nonprofit organization] that accepts a defendant under Subsection (f) [of this article] to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [work] and report on the defendant's community service [work] to the district probation department or court-related services office.

(j) A court may not order a defendant to perform more than 16 hours per week of community service under Subsection (f) [of this article] unless the court determines that requiring the defendant to perform [work] additional hours does not impose an undue [work a] hardship on the defendant or the defendant's dependents.

(l) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, an employee of a community corrections and supervision department, restitution center, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service is not liable for damages arising from an act or failure to act in connection with manual labor performed by an inmate or community service performed

by a defendant under ~~[pursuant to]~~ this article if the act or failure to act:

- (1) was performed pursuant to confinement or other court order; and
- (2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

**Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN ~~[INDIGENT]~~ DEFENDANTS AND FOR CHILDREN.**

A court may waive payment of all or part of a fine or costs ~~[cost]~~ imposed on a defendant ~~[who defaults in payment]~~ if the court determines that:

- (1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or was, at the time the offense was committed, a child as defined by Article 45.058(h); and
- (2) each alternative method of discharging the fine or cost under Article 43.09 or 42.15 would impose an undue hardship on the defendant.

**Art. 44.04. BOND PENDING APPEAL.**

(i) Notwithstanding any other law, pending the determination of a defendant's motion for new trial or the defendant's appeal from a misdemeanor conviction, the defendant is entitled to be released after completion of a sentence of confinement imposed for the conviction. The trial court may require the defendant to give a personal bond but may not, either instead of or in addition to the personal bond, require:

- (1) any condition of the personal bond;
- (2) another type of bail bond; or
- (3) a surety or other security.

**Art. 45.014. WARRANT OF ARREST.**

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

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

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

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

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

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

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

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

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

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

**Art. 45.016. PERSONAL BOND; BAIL BOND.**

(a) The justice or judge may require the defendant to give a personal bond ~~[bail]~~ to secure the defendant's appearance in accordance with this code.

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

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



(2) the justice or judge determines that:

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

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

(c) If before the expiration of a 48-hour period following the issuance of the applicable order a defendant described by Subsections (b)(1) and (2) does not give a required bail bond, the justice or judge:

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

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

(d) If the defendant refuses to give a personal bond or, except as provided by Subsection (c), refuses or otherwise fails to give a bail bond, the defendant may be held in custody.

#### **Art. 45.0218. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY MISDEMEANOR.**

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

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

(1) by judges or court staff;

(2) by a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government

Code:

(3) by the Department of Public Safety;

(4) by the attorney representing the state;

(5) by the defendant or the defendant's counsel;

(6) if the offense is a traffic offense, an insurance company or surety company authorized to write motor vehicle liability insurance in this state; or

(7) for the purpose of complying with a requirement under federal law or if federal law requires the disclosure as a condition of receiving federal highway funds.

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

#### **Art. 45.041. JUDGMENT.**

(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:

(1) subject to Subsection (b-2), required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under, as applicable, Article 45.049, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;

(3) waived in full or in part under Article 45.0491; or

(4) satisfied through any combination of methods under Subdivisions (1)-(3).

(b) Subject to Subsections (b-2) and (b-3) and Article 45.0491, the justice or judge may direct the defendant:

(1) to pay:

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

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

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

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

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

#### **Art. 45.0425. APPEAL BOND.**

(a) If the court from whose judgment and sentence the appeal is taken is in session, the court must approve the bail. The amount of an appeal ~~[a bail]~~ bond may not be less than two times the amount of the fine and costs adjudged against the defendant, payable to the State of Texas. The appeal bond ~~[bail]~~ may not in any case be for an amount ~~[a sum]~~ less than \$50. If the appeal bond otherwise meets the requirements of this code, the court without requiring a court appearance by the defendant shall approve the appeal bond in the amount the court under Article 27.14(b) notified the defendant would be approved.

#### **Art. 45.045. CAPIAS PRO FINE.**

(a-2) Before a court may issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms:

(1) the court must provide by regular mail to the defendant notice that includes:

(A) a statement that the defendant has failed to satisfy the judgment according to its terms; and

(B) a date and time when the court will hold a hearing on the defendant's

failure to satisfy the judgment according to its terms; and

(2) either:

(A) the defendant fails to appear at the hearing; or

(B) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.

(a-3) The court shall recall a capias pro fine if, before the capias pro fine is executed:

(1) the defendant voluntarily appears to resolve the amount owed; and

(2) the amount owed is resolved in any manner authorized by this chapter.

#### **Art. 45.046. COMMITMENT.**

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

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

(2) the defendant is indigent and:

(A) has failed to make a good faith effort to discharge the fine or ~~[fines and]~~ costs under Article 45.049; and

(B) could have discharged the fine or ~~[fines and]~~ costs under Article 45.049 without experiencing any undue hardship.

#### **Art. 45.048. DISCHARGED FROM JAIL.**

(a) A defendant placed in jail on account of failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:

(1) is too poor to pay the fine and costs; or

(2) has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of not less than \$100 ~~[\$50]~~ for each period ~~[of time]~~ served, as specified by the

convicting court in the judgment in the case.

- (b) A convicting court may specify a period [~~of time~~] that is not less than eight hours or more than 24 hours as the period for which a defendant who fails to pay the fine [~~finer~~] and costs in the case must remain in jail to satisfy \$100 [~~\$50~~] of the fine and costs.

**Art. 45.049. COMMUNITY SERVICE IN SATISFACTION OF FINE OR COSTS.**

- (b) In the justice's or judge's order requiring a defendant to perform [~~participate in~~] community service [~~work~~] under this article, the justice or judge must specify:

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

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service [~~work~~].

- (c) The justice or judge may order the defendant to perform community service [~~work~~] under this article:

(1) by attending:

(A) a work and job skills training program;

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

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

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

(F) a mentoring program; or

(G) any similar activity; or

(2) [~~only~~] for:

(A) a governmental entity;

(B) [~~or~~] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community,

as determined by the justice or judge;  
or

(C) an educational institution.

(c-1) An [A-governmental] entity [~~or nonprofit organization~~] that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [~~work~~] and report on the defendant's community service [~~work~~] to the justice or judge who ordered the [~~community~~] service.

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

- (e) A defendant is considered to have discharged not less than \$100 [~~\$50~~] of fines or costs for each eight hours of community service performed under this article.

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

(1) was performed pursuant to court order; and

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

- (g) This subsection applies only to a defendant who is charged with a traffic offense or an offense under Section 106.05, Alcoholic Beverage Code, and is a resident of this state. If under Article 45.051(b)(10), Code of Criminal Procedure, the judge

requires the defendant to perform community service as a condition of the deferral, the defendant is entitled to elect whether to perform the required ~~[governmental entity or nonprofit organization community]~~ service in:

- (1) the county in which the court is located; or
- (2) the county in which the defendant resides, but only if the applicable entity ~~[or organization]~~ agrees to:
  - (A) supervise, either on-site or remotely, the defendant in the performance of the defendant's community service ~~[work]~~; and
  - (B) report to the court on the defendant's community service ~~[work]~~.

**Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN ~~[INDIGENT]~~ DEFENDANTS AND FOR CHILDREN.**

(a) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine or costs imposed on a defendant ~~[who defaults in payment]~~ if the court determines that:

- (1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or was, at the time the offense was committed, a child as defined by Article 45.058(h); and
- (2) discharging the fine or ~~[and]~~ costs under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

(b) A defendant is presumed to be indigent or to not have sufficient resources or income to pay all or part of the fine or costs if the defendant:

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

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

**Art. 45.0492 (as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011). COMMUNITY SERVICE ~~[OR TUTORING]~~ IN SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS.**

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

(b) A justice or judge may require a defendant described by Subsection (a) to discharge all or part of the fine or costs by performing community service ~~[or attending a tutoring program that is satisfactory to the court]~~. A defendant may discharge an obligation to perform community service ~~[or attend a tutoring program]~~ under this article by paying at any time the fine and costs assessed.

(c) In the justice's or judge's order requiring a defendant to perform ~~[participate in]~~ community service ~~[work or a tutoring program]~~ under this article, the justice or judge must specify:

- (1) the number of hours of community service the defendant is required to perform; and
- (2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service ~~[work or attend tutoring]~~.

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

- (1) by attending:
  - (A) a work and job skills training program;

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

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

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

(F) a mentoring program;

(G) a tutoring program; or

(H) any similar activity; or

(2) [only] for:

(A) a governmental entity;

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

(C) an educational institution.

(d-1) An [A-governmental] entity [or nonprofit organization] that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [work] and report on the defendant's community service [work] to the justice or judge who ordered the [community] service.

(e) A tutoring program that accepts a defendant under this article must agree to supervise the defendant in the attendance of the tutoring program and report on the defendant's work to the justice or judge who ordered the tutoring.

(f) A justice or judge may not order a defendant to perform more than 16 hours of community service per week [or attend more than 16 hours of tutoring per week] under this article unless the justice or judge determines that requiring the defendant to perform additional hours [of work or tutoring] does not impose an undue [cause a] hardship on the defendant or the defendant's family. For purposes of this

subsection, "family" has the meaning assigned by Section 71.003, Family Code.

(g) A defendant is considered to have discharged not less than \$100 [\$50] of fines or costs for each eight hours of community service performed [or tutoring program attended] under this article.

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

(1) was performed pursuant to court order; and

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

**Art. 45.0492 (as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011). COMMUNITY SERVICE IN SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS.**

(a) This article applies only to a defendant younger than 17 years of age who is assessed a fine or costs for a Class C misdemeanor..

(c) In the justice's or judge's order requiring a defendant to perform community service under this article, the justice or judge shall specify:

(1) the number of hours of community service the defendant is required to perform, [and may] not to exceed [order more than] 200 hours; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(d) The justice or judge may order the defendant to perform community service ~~[work]~~ under this article;

(1) by attending:

(A) a work and job skills training program;

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

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

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

(F) a mentoring program; or

(G) any similar activity; or

(2) ~~[only]~~ for:

(A) a governmental entity;

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

(C) an educational institution.

(d-1) An [A governmental] entity [or nonprofit organization] that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [work] and report on the defendant's community service [work] to the justice or judge who ordered the [community] service.

(e) A justice or judge may not order a defendant to perform more than 16 hours of community service per week under this article unless the justice or judge determines that requiring the defendant to perform additional hours ~~[of work]~~ does not impose an undue [cause a] hardship on the defendant or the defendant's family. For purposes of this subsection, "family" has the meaning assigned by Section 71.003, Family Code.

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

(1) was performed pursuant to court order; and

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

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

**Art. 45.050. JUVENILES. FAILURE TO PAY FINE; FAILURE TO APPEAR; CONTEMPT: JUVENILES.**

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

(1) the failure to pay all or any part of a fine or costs imposed for the conviction of an offense punishable by fine only; ~~[or]~~

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

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

**Art. 45.051. SUSPENSION OF SENTENCE AND DEFERRAL OF FINAL DISPOSITION.**

(a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, the judge may defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days. In issuing the order of deferral, the judge may impose a special

expense fee on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense. The special expense fee may be collected at any time before the date on which the period of probation ends. The judge may elect not to impose the special expense fee for good cause shown by the defendant. If the judge orders the collection of a special expense fee, the judge shall require that the amount of the special expense fee be credited toward the payment of the amount of the fine imposed by the judge. An order of deferral under this subsection terminates any liability under a ~~[bail bond or an appearance]~~ bond given for the charge.

**Art. 45.0511. DRIVING SAFETY COURSE OR MOTORCYCLE OPERATOR COURSE DISMISSAL PROCEDURES.**

- (t) An order of deferral under Subsection (c) terminates any liability under a ~~[bail bond or appearance]~~ bond given for the charge.

**Art. 47.01a. RESTORATION WHEN NO TRIAL IS PENDING.**

- (a) If a criminal action relating to allegedly stolen property is not pending, a district judge, county court judge, statutory county court judge, or justice of the peace having jurisdiction as a magistrate in the county in which the property is held or in which the property was alleged to have been stolen or a municipal judge having jurisdiction as a magistrate in the municipality in which the property is being held or in which the property was alleged to have been stolen may hold a hearing to determine the right to possession of the property, upon the petition of an interested person, a county, a city, or the state. Jurisdiction under this article ~~[section]~~ is based solely on jurisdiction as a criminal magistrate under this code and not jurisdiction as a civil court. The court shall:
- (1) order the property delivered to whoever has the superior right to possession, without conditions; ~~[or]~~

(2) on the filing of a written motion before trial by an attorney representing the state, order the property delivered to whoever has the superior right to possession, subject to the condition that the property be made available to the prosecuting authority should it be needed in future prosecutions; or

(3) order the property awarded to the custody of the peace officer, pending resolution of criminal investigations regarding the property.

(d) Venue for a hearing under this article is in any justice, county, statutory county, or district court in the county in which the property is seized or in which the property was alleged to have been stolen or in any municipal court in any municipality in which the property is seized or in which the property was alleged to have been stolen, except that the court may transfer venue to a court in another county on the motion of any interested party.

(e) The person who has the superior right to possession of the property, as determined in a hearing under Subsection (a), is responsible for any transportation necessary to deliver the property to the person as ordered under that subsection.

**Art. 47.02. RESTORED ON TRIAL.**

- (b) On written consent of the prosecuting attorney and following an order described by Subsection (a), any magistrate having jurisdiction in the county in which the property was alleged to have been stolen or, if the [a] criminal action for theft or any other offense involving the illegal acquisition of property is pending in another county, the county in which the action is pending may hold a hearing to determine the right to possession of the property. If it is proved to the satisfaction of the magistrate that any person is a true owner of the property alleged to have been stolen, and the property is under the control of a peace officer, the magistrate may, by written order, direct the property to be restored to that person.

(c) The owner of the property is responsible for any transportation necessary to restore the property to the owner as ordered under this article.

**Art. 49.07. NOTIFICATION OF INVESTIGATING OFFICIAL.**

(3) If a justice of the peace or the county judge serving the county in which the body or body part was found is not available to conduct an inquest, a person required to give notice under this article may ask the justice of the peace of the precinct in which the body or body part was found or the county judge to request a justice of the peace of another county to which this subchapter applies to conduct the inquest. The justice of the peace that conducts the inquest shall, not later than the fifth day after the date the inquest is initiated, transfer all information related to the inquest to the justice of the peace of the precinct in which the body or body part was found for final disposition of the matter. All expenses related to the inquest must be paid as provided by this chapter.

**SUBCHAPTER D. PARENTAL RIGHT TO VIEW DECEASED CHILD**

**Art. 49.51. DEFINITIONS.**

In this subchapter:

- (1) "Child" means a person younger than 18 years of age.
- (2) "Parent" has the meaning assigned by Section 160.102(11), Family Code.

**Art. 49.52. PARENTAL RIGHT TO VIEW DECEASED CHILD.**

(a) Except as provided by Subsection (b) or (c), a parent of a deceased child is entitled to view the child's body before a justice of the peace or the medical examiner, as applicable, for the county in which the death occurred assumes control over the body under Subchapter A or B, as applicable. If the child's death occurred at a hospital or

other health care facility, the viewing may be conducted at the hospital or facility.

(b) A parent of a deceased child may not view the child's body after a justice of the peace or medical examiner described by Subsection (a) assumes control over the body under Subchapter A or B, as applicable, unless the parent first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

(c) A viewing of the body of a deceased child whose death is determined to be subject to an inquest under Article 49.04 or 49.25, as applicable, must be conducted in compliance with the following conditions:

(1) the viewing must be supervised by:

(A) if law enforcement has assumed control over the body at the time of the viewing, an appropriate peace officer or, with the officer's consent, a person described by Paragraph (B); or

(B) a physician, registered nurse, or licensed vocational nurse or the justice of the peace or the medical examiner or a person acting on behalf of the justice of the peace or medical examiner;

(2) a parent of the deceased child may not have contact with the child's body unless the parent first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner; and

(3) a person may not remove a medical device from the child's body or otherwise alter the condition of the body for purposes of conducting the viewing unless the person first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

(d) A person is not entitled to compensation for performing duties on behalf of a justice of the peace or medical examiner under this article unless the commissioners court of



the applicable county approves the compensation.

**Art. 55.01. RIGHT TO EXPUNCTION.**

(b) Except as provided by Subsection (c) and subject to Subsection (b-1), a district court, a justice court, or a municipal court of record may expunge all records and files relating to the arrest of a person ~~[who has been arrested for commission of a felony or misdemeanor]~~ under the procedure established under Article 55.02 if:

(1) the person is:

(A) tried for the offense for which the person was arrested;

(B) convicted of the offense; and

(C) acquitted by the court of criminal appeals or, if the period for granting a petition for discretionary review has expired, by a court of appeals; or

(2) an office of the attorney representing the state authorized by law to prosecute the offense for which the person was arrested recommends the expunction to the ~~[appropriate district]~~ court before the person is tried for the offense, regardless of whether an indictment or information has been presented against the person in relation to the offense.

(b-1) A justice court or a municipal court of record may only expunge records and files under Subsection (b) that relate to the arrest of a person for an offense punishable by fine only.

**Art. 55.02. PROCEDURE FOR EXPUNCTION.**

**Sec. 1.** At the request of the acquitted person ~~[defendant]~~ and after notice to the state, or at the request of the attorney for the state with the consent of the acquitted person, the trial court presiding over the case in which the person ~~[defendant]~~ was acquitted, if the trial court is a district court, a justice court, or a municipal court of record, or a district court in the county in which the trial court is located shall enter an order of expunction for a person entitled to expunction under Article

55.01(a)(1)(A) not later than the 30th day after the date of the acquittal. On ~~Upon~~ acquittal, the trial court shall advise the acquitted person ~~[defendant]~~ of the right to expunction. The party requesting the order of expunction ~~[defendant]~~ shall provide to the ~~[district]~~ court all of the information required in a petition for expunction under Section 2(b). The attorney for the acquitted person ~~[defendant]~~ in the case in which the person ~~[defendant]~~ was acquitted, if the person ~~[defendant]~~ was represented by counsel, or the attorney for the state, if the person ~~[defendant]~~ was not represented by counsel or if the attorney for the state requested the order of expunction, shall prepare the order for the court's signature.

**Sec. 1a.** (a) The trial court presiding over a case in which a person ~~[defendant]~~ is convicted and subsequently granted relief or pardoned on the basis of actual innocence of the offense of which the person ~~[defendant]~~ was convicted, if the trial court is a district court, a justice court, or a municipal court of record, or a district court in the county in which the trial court is located shall enter an order of expunction for a person entitled to expunction under Article 55.01(a)(1)(B)(ii) not later than the 30th day after the date the court receives notice of the pardon or other grant of relief. The person shall provide to the ~~[district]~~ court all of the information required in a petition for expunction under Section 2(b).

**Sec. 2.** (a) A person who is entitled to expunction of records and files under Article 55.01(a)(1)(A), 55.01(a)(1)(B)(i), or 55.01(a)(2) or a person who is eligible for expunction of records and files under Article 55.01(b) may file an ex parte petition for expunction in a district court for the county in which:

(1) the petitioner was arrested; or

(2) the offense was alleged to have occurred.

(a-1) If the arrest for which expunction is sought is for an offense punishable by fine only, a person who is entitled to expunction of records and files under Article 55.01(a) or

a person who is eligible for expunction of records and files under Article 55.01(b) may file an ex parte petition for expunction in a justice court or a municipal court of record in the county in which:

- (1) the petitioner was arrested; or
- (2) the offense was alleged to have occurred.

(b) A [The] petition filed under Subsection (a) or (a-1) must be verified and must include the following or an explanation for why one or more of the following is not included:

- (1) the petitioner's:
  - (A) full name;
  - (B) sex;
  - (C) race;
  - (D) date of birth;
  - (E) driver's license number;
  - (F) social security number; and
  - (G) address at the time of the arrest;
- (2) the offense charged against the petitioner;
- (3) the date the offense charged against the petitioner was alleged to have been committed;
- (4) the date the petitioner was arrested;
- (5) the name of the county where the petitioner was arrested and if the arrest occurred in a municipality, the name of the municipality;
- (6) the name of the agency that arrested the petitioner;
- (7) the case number and court of offense; and
- (8) together with the applicable physical or e-mail addresses, a list of all:
  - (A) law enforcement agencies, jails or other detention facilities, magistrates, courts, prosecuting attorneys, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state;

(B) central federal depositories of criminal records that the petitioner has reason to believe have records or files that are subject to expunction; and

(C) private entities that compile and disseminate for compensation criminal history record information that the petitioner has reason to believe have information related to records or files that are subject to expunction.

**SUBCHAPTER C. ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT OR ABUSE, [OR] STALKING, OR TRAFFICKING OF PERSONS.**

**Art. 56.81. DEFINITIONS.**

(3-a) "Household" has the meaning assigned by Section 71.005, Family Code.

(6-a) "Sexual abuse" means any conduct that constitutes an offense under Section 21.02, 21.11, or 25.02, Penal Code.

(6-b) "Sexual assault" means any conduct that constitutes an offense under Section 22.011 or 22.021, Penal Code.

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

(7) "Trafficking of persons" means any conduct that constitutes an offense ~~that may be prosecuted~~ under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that results in a person:

- (A) engaging in forced labor or services; or
- (B) otherwise becoming a victim of the offense.

**Art. 56.82. ADDRESS CONFIDENTIALITY PROGRAM.**

(a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence, sexual assault or

~~abuse, stalking, or trafficking of persons[, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code,] in maintaining a confidential address.~~

**Art. 56.83. ELIGIBILITY TO PARTICIPATE IN PROGRAM.**

(a) To be eligible to participate in the program, an applicant must:

(1) either:

(A) meet with a victim's assistance counselor from a state or local agency or other entity, whether for-profit or nonprofit, that is identified by the attorney general as an entity that provides [counseling and] shelter or civil legal services or counseling to victims of family violence, sexual assault or abuse, stalking, or trafficking of persons[, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code];

(B) be protected under, or be filing an application on behalf of a victim who is the applicant's child or another person in the applicant's household and who is protected under:

(i) a temporary injunction issued under Subchapter F, Chapter 6, Family Code;

(ii) a temporary ex parte order issued under Chapter 83, Family Code;

(iii) an order issued under Chapter 7A or Article 6.09 of this code or Chapter 85, Family Code; or

(iv) a magistrate's order for emergency protection issued under Article 17.292; or

(C) possess documentation of family violence, as identified by the rules adopted under this section, or of sexual assault or abuse or stalking, as described by Section 92.0161, Property Code;

(2) file an application for participation with the attorney general or a state or local

agency or other entity identified by the attorney general under Subdivision (1);

(3) file an affirmation that the applicant has discussed safety planning with a victim's assistance counselor described by Subdivision (1)(A);

(4) designate the attorney general as agent to receive service of process and mail on behalf of the applicant; and

(5) [(4)] live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or trafficking of persons[, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code].

(b) An application under Subsection (a)(2) must contain:

(1) a signed, sworn statement by the applicant stating that the applicant fears for the safety of the applicant, the applicant's child, or another person in the applicant's household because of a threat of immediate or future harm caused by the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or [the] trafficking of persons[, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code];

(2) the applicant's true residential address and, if applicable, the applicant's business and school addresses; and

(3) a statement by the applicant of whether there is an existing court order or a pending court case for child support or child custody or visitation that involves the applicant, the applicant's child, or another person in the applicant's household and, if so, the name and address of:

(A) the legal counsel of record; and

(B) each parent involved in the court order or pending case.

(e) The attorney general by rule may establish additional eligibility requirements for participation in the program that are

consistent with the purpose of the program as stated in Article 56.82(a).

(e-1) The attorney general may establish procedures for requiring an applicant, in appropriate circumstances, to submit with the application under Subsection (a)(2) independent documentary evidence of family violence, sexual assault or abuse, stalking, or trafficking of persons~~[, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code,]~~ in the form of:

- (1) an active or recently issued ~~[protective]~~ order described by Subsection (a)(1)(B);
- (2) an incident report or other record maintained by a law enforcement agency or official;
- (3) a statement of a physician or other health care provider regarding the ~~[applicant's]~~ medical condition of the applicant, applicant's child, or other person in the applicant's household as a result of the family violence, sexual assault or abuse, stalking, or trafficking of persons~~[, or offense]; [or]~~
- (4) a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the applicant, applicant's child, or other person in the applicant's household in addressing the effects of the family violence, sexual assault or abuse, stalking, or trafficking of persons~~[, or offense]; [or]~~
- (5) any other independent documentary evidence necessary to show the applicant's eligibility to participate in the program~~[, or offense]~~.

**Art. 56.90. EXCEPTIONS.**

- (a) The attorney general:
- (1) shall disclose a participant's true residential, business, or school address if:
    - (A) requested by:

(i) a law enforcement agency for the purpose of conducting an investigation;

(ii) the Department of Family and Protective Services for the purpose of conducting a child protective services investigation under Chapter 261, Family Code; or

(iii) the Department of State Health Services or a local health authority for the purpose of making a notification described by Article 21.31 of this code, Section 54.033, Family Code, or Section 81.051, Health and Safety Code; or

(B) required by court order; and

(2) may disclose a participant's true residential, business, or school address if:

(A) the participant consents to the disclosure; and

(B) the disclosure is necessary to administer the program.

**Art. 62.007. RISK ASSESSMENT REVIEW COMMITTEE; SEX OFFENDER SCREENING TOOL.**

(e) Records ~~[Notwithstanding Chapter 58, Family Code, records]~~ and files, including records that have been sealed under Chapter 58, Family Code ~~[Section 58.003 of that code]~~, relating to a person for whom a court, the Texas Department of Criminal Justice, or the Texas Juvenile Justice Department is required under this article to determine a level of risk shall be released to the court, the Texas Department of Criminal Justice, or the Texas Juvenile Justice Department, as appropriate, for the purpose of determining the person's risk level.

**Art. 63.0041. REPORTING OF ATTEMPTED CHILD ABDUCTION.**

(a) A local law enforcement agency, on receiving a report of an attempted child abduction, shall as soon as practicable, but not later than eight hours after receiving the

report, provide any relevant information regarding the attempted child abduction to the clearinghouse. Information not immediately available shall be obtained by the agency and entered into the clearinghouse as a supplement to the original entry as soon as possible.

(b) A law enforcement officer or local law enforcement agency reporting an attempted child abduction to the clearinghouse shall make the report by use of the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by the Department of Public Safety.

**Art. 63.009. LAW ENFORCEMENT REQUIREMENTS.**

~~(a-3) A local law enforcement agency, on receiving a report of an attempted child abduction, shall immediately, but not later than eight hours after receiving the report, provide any relevant information regarding the attempted child abduction to the clearinghouse.~~

**Art. 102.006. FEES IN EXPUNCTION PROCEEDINGS.**

(a) In addition to any other fees required by other law and except as provided by Subsection (b), a petitioner seeking expunction of a criminal record in a district court shall pay the following fees:

- (1) the fee charged for filing an ex parte petition in a civil action in district court;
- (2) \$1 plus postage for each certified mailing of notice of the hearing date; and
- (3) \$2 plus postage for each certified mailing of certified copies of an order of expunction.

(a-1) In addition to any other fees required by other law and except as provided by Subsection (b), a petitioner seeking expunction of a criminal record in a justice court or a municipal court of record under Chapter 55 shall pay a fee of \$100 for filing

an ex parte petition for expunction to defray the cost of notifying state agencies of orders of expunction under that chapter.

(b) The fees under Subsection (a) or the fee under Subsection (a-1), as applicable, shall be waived if:

- (1) the petitioner seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted, other than an acquittal for an offense described by Article 55.01(c); and
- (2) the petition for expunction is filed not later than the 30th day after the date of the acquittal.

(c) A court that grants a petition for expunction of a criminal record may order that any fee, or portion of a fee, required to be paid under Subsection (a) be returned to the petitioner.

**Art. 102.0071. JUSTICE COURT DISHONORED CHECK OR SIMILAR SIGHT ORDER.**

On conviction in justice court of an offense under Section 32.41, Penal Code, or an offense under Section 31.03, ~~[or]~~ 31.04, or 32.21, Penal Code, in which it is shown that the defendant committed the offense by issuing, ~~[or]~~ passing, or forging a check or similar sight order, as defined by Section 1.07, Penal Code, that was subsequently dishonored, the court may collect from the defendant and pay to the holder of the check or order the fee permitted by Section 3.506, Business & Commerce Code.

**Art. 102.017. COURT COSTS; COURTHOUSE SECURITY FUND; MUNICIPAL COURT BUILDING SECURITY FUND; JUSTICE COURT BUILDING SECURITY FUND.**

(f) The sheriff, constable, or other law enforcement agency or entity that provides security for a court ~~[A local administrative judge]~~ shall provide to the Office of Court Administration of the Texas Judicial System a written report regarding any security incident involving court security that occurs in or around a building housing

a court for which the sheriff, constable, agency, or entity provides security [judge serves as local administrative judge] not later than the third business day after the date the incident occurred. A copy of the report must be provided to the presiding judge of the court in which the incident occurred. The report is confidential and exempt from disclosure under Chapter 552, Government Code.

**Art. 103.0031. COLLECTION CONTRACTS.**

(j) A communication to the accused person regarding the amount of payment that is acceptable to the court under the court's standard policy for resolution of a case must include:

(1) a notice of the person's right to enter a plea or go to trial on any offense charged; and

(2) a statement that, if the person is unable to pay the full amount of payment that is acceptable to the court, the person should contact the court regarding the alternatives to full payment that are available to resolve the case.

**Art. 103.0033. COLLECTION IMPROVEMENT PROGRAM.**

(b) This article applies only to[:

~~[(4)] a county or [with a population of 50,000 or greater; and~~

~~[(2) a] municipality with a population of 100,000 or greater.~~

**Art. 103.0081. UNCOLLECTIBLE FEES.**

(a) Any officer authorized by this chapter to collect a fee or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fee or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

(1) the defendant is deceased;

(2) the defendant is serving a sentence for imprisonment for life or life without parole;

or

(3) the fee has been unpaid for at least 15 years.

(b) On a finding by a court that any condition described by Subsections (a)(1)-(3) is true, the court may order the officer to designate the fee or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.

(c) This article applies only to a county with a population of more than 780,000 but less than 790,000.

## EDUCATION CODE

Section	Bill Modifying
25.087	SB 1152

## EDUCATION CODE

### Sec. 25.087. EXCUSED ABSENCES.

(b-5) A school district shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that:

(1) the district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school; and

(2) the district verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard.

(b-6) Each school district shall adopt procedures to verify a student's activities as described by Subsection (b-5).

(d) A student whose absence is excused under Subsection (b), (b-1), (b-2), (b-4), (b-5), or (c) may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under Subsection (b), (b-1), (b-2), (b-4), (b-5), or (c) shall be allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance.



## ELECTION CODE

Section	Bill Modifying
13.0021	SB 42
13.004	SB 256
15.0215	SB 42
141.032	SB 44
141.034	SB 44
162.014	HB 1735
172.021	SB 44

## ELECTION CODE

### Sec. 13.0021. ADDITIONAL REGISTRATION INFORMATION FROM CERTAIN FEDERAL AND STATE JUDGES.

(a)(2) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, [or] a county court at law, or a statutory probate court of this state;

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter; [or]

(C) a magistrate or associate judge appointed under Chapter 54 or 54A, Government Code;

(D) a justice of the peace; or

(E) a municipal court judge.

(b) If the registration applicant is a federal judge, a state judge, or the spouse of a state judge or a federal judge, the registrar of the county shall omit ~~[who seeks to have]~~ the applicant's residence address ~~[omitted]~~ from the registration list~~;~~ the applicant shall include with the application an affidavit stating that the applicant is a federal judge or state judge or the spouse of a federal judge or state judge.

### Sec. 13.004. RECORDING AND DISCLOSURE OF CERTAIN INFORMATION BY REGISTRAR.

(c) The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

(1) a social security number;

(2) a Texas driver's license number;

(3) a number of a personal identification card issued by the Department of Public Safety;

(4) an indication that an applicant is interested in working as an election judge; [or]

(5) the residence address of the applicant, if the applicant is a federal judge or state judge, as defined by Section 13.0021, the spouse of a federal judge or state judge, or an individual to whom Section 552.1175, Government Code, applies and the applicant:

(A) included an affidavit with the registration application describing the applicant's status under this subdivision, including an affidavit under Section 13.0021 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge;

(B) provided the registrar with an affidavit describing the applicant's status under this subdivision, including an affidavit under Section 15.0215 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge; or

(C) provided the registrar with a completed form approved by the secretary of state for the purpose of notifying the registrar of the applicant's status under this subdivision;

(6) the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence as defined by Section 71.004, Family Code, who provided the registrar with:

(A) a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's

household is a victim of family violence;

(7) the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons who provided the registrar with:

(A) a copy of a protective order issued under Chapter 7A or Article 6.09, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons; or

(8) the residence address of the applicant, if the applicant:

(A) is a participant in the address confidentiality program administered by the attorney general under Subchapter C, Chapter 56, Code of Criminal Procedure; and

(B) provided the registrar with proof of certification under Article 56.84, Code of Criminal Procedure.

**Sec. 15.0215. OMISSION OF ADDRESS FOR [NOTICE OF] FEDERAL JUDGE OR STATE JUDGE AND SPOUSE [STATUS].**

(a) In this section, "federal judge" and "state judge" have the meanings assigned by Section 13.0021.

(b) On receiving notice from the Office of Court Administration of the Texas Judicial System of the person's qualification for office as a [A] federal judge or [—a] state judge and of the name of the judge's spouse, if applicable, [or the spouse of a federal judge or state judge who is registered to vote may at any time submit to] the registrar of the county in which the judge resides shall omit from the registration list

the residence address of the judge and the spouse of the judge [an affidavit stating that the voter is a federal judge or state judge or the spouse of a federal judge or state judge].

(c) A registered district voter who wishes to verify that an elected judge whose personal identifying information is confidential under Section 552.1175, Government Code, resides in the district may request in writing that the registrar certify the judge lives in the district. The registrar shall exercise due diligence in determining the residence of the judge and respond to the voter in writing not later than the 10th business day after the date the request is received on whether the judge resides in the district. The registrar may not release the address of the judge. The registrar is not required to certify the residence of the same judge more than once in a calendar year, but must provide copies of the certification to subsequent requestors.

**Sec. 141.032. REVIEW OF APPLICATION; NOTICE TO CANDIDATE.**

(c) If an application is accompanied by a petition, the petition is considered part of the application, and the review shall be completed as soon as practicable after the date the application is received by the authority. However, the petition is not considered part of the application for purposes of determining compliance with the requirements applicable to each document, and a deficiency in the requirements for one document may not be remedied by the contents of the other document. Unless the petition is challenged, the authority is only required to review the petition for facial compliance with the applicable requirements as to form, content, and procedure.

**Sec. 141.034. LIMITATION ON CHALLENGE OF APPLICATION.**

(a) An application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the day before any

ballot to be voted early by mail is mailed to an address in the authority's jurisdiction ~~[the beginning of early voting by personal appearance]~~ for the election for which the application is made.

- (c) A challenge must state with specificity how the application does not comply with the applicable requirements as to form, content, and procedure. The authority's review of the challenge is limited to the specific items challenged and any response filed with the authority by the challenged candidate.

requirements prescribed for the petition authorized by Subsection (b), except that the minimum number of signatures that must appear on the petition required by this subsection is 250. If the candidate chooses to file the petition authorized by Subsection (b) in lieu of the filing fee, the minimum number of signatures required for that petition is increased by 250. Signatures on a petition filed under this subsection or Subsection (b) by a candidate covered by this subsection may not be obtained on the grounds of a county courthouse or courthouse annex.

#### **Sec. 162.014. UNLAWFUL PARTICIPATION IN PARTY AFFAIRS.**

- (a) A person commits an offense if the person knowingly votes or attempts to vote in a primary election or participates or attempts to participate in a convention of a party after having voted in a primary election or participated in a convention of another party during the same voting year.
- (b) Except as provided by Subsections (c) and (d), an [A] offense under this section is a Class C misdemeanor.
- (c) An offense under this section is a felony of the second degree if the conduct constituting an offense under Subsection (a) consists of knowingly voting in a primary election after having voted in a primary election of another party during the same voting year.
- (d) An offense under this section is a state jail felony if the conduct constituting an offense under Subsection (a) consists of knowingly attempting to vote in a primary election after having voted in a primary election of another party during the same voting year.

#### **Sec. 172.021. APPLICATION REQUIRED.**

- (e) A candidate for an office specified by Section 172.024(a)(8), (10), or (12), or for justice of the peace in a county with a population of more than 1.5 million, who chooses to pay the filing fee must also accompany the application with a petition for a place on the primary ballot as a candidate for judicial office that complies with the

## FAMILY CODE

Section	Bill Modifying
58.001	SB 1304
58.002	SB 1304
58.0021	SB 1304
58.004	SB 1304
58.005	SB 1304
58.0052	SB 1304
58.007	SB 1304
58.008	SB 1304
85.025	SB 257

# FAMILY CODE

## **SUBCHAPTER A. CREATION AND CONFIDENTIALITY OF JUVENILE RECORDS**

### **Sec. 58.001. LAW ENFORCEMENT COLLECTION AND TRANSMITTAL OF RECORDS OF CHILDREN. [Title change only]**

### **Sec. 58.002. PHOTOGRAPHS AND FINGERPRINTS OF CHILDREN.**

(a) Except as provided by Chapter 63, Code of Criminal Procedure, a child may not be photographed or fingerprinted without the consent of the juvenile court unless the child is:

(1) taken into custody; or

(2) referred to the juvenile court for conduct that constitutes a felony or a misdemeanor punishable by confinement in jail, regardless of whether the child has been taken into custody.

(b) On or before December 31 of each year, the head of each municipal or county law enforcement agency located in a county shall certify to the juvenile board for that county that the photographs and fingerprints required to be destroyed under Section 58.001 have been destroyed. The juvenile board may ~~shall~~ conduct or cause to be conducted an audit of the records of the law enforcement agency to verify the destruction of the photographs and fingerprints and the law enforcement agency shall make its records available for this purpose. If the audit shows that the certification provided by the head of the law enforcement agency is false, that person is subject to prosecution for perjury under Chapter 37, Penal Code.

(c) This section does not prohibit a law enforcement officer from photographing or fingerprinting a child who is not in custody or

who has not been referred to the juvenile court for conduct that constitutes a felony or misdemeanor punishable by confinement in jail if the child's parent or guardian voluntarily consents in writing to the photographing or fingerprinting of the child. Consent of the child's parent or guardian is not required to photograph or fingerprint a child described by Subsection (a)(1) or (2).

### **Sec. 58.0021. FINGERPRINTS OR PHOTOGRAPHS FOR COMPARISON IN INVESTIGATION.**

(b) A law enforcement officer may take temporary custody of a child to take the child's photograph, or may obtain a photograph of a child from a juvenile probation department in possession of a photograph of the child, if:

(1) the officer has probable cause to believe that the child has engaged in delinquent conduct; and

(2) the officer has probable cause to believe that the child's photograph will be of material assistance in the investigation of that conduct.

### **Sec. 58.004. REDACTION OF VICTIM'S PERSONALLY IDENTIFIABLE INFORMATION.**

(a) Notwithstanding any other law, before disclosing any juvenile court record ~~[or file]~~ of a child as authorized by this chapter or other law, the custodian of the record ~~[or file]~~ must redact any personally identifiable information about a victim of the child's delinquent conduct or conduct indicating a need for supervision who was under 18 years of age on the date the conduct occurred.

(b) This section does not apply to information that is:

(1) necessary for an agency to provide services to the victim;

(2) necessary for law enforcement purposes; ~~[or]~~

- (3) shared within the statewide juvenile information and case management system established under Subchapter E;
- (4) shared with an attorney representing the child in a proceeding under this title; or
- (5) shared with an attorney representing any other person in a juvenile or criminal court proceeding arising from the same act or conduct for which the child was referred to juvenile court.

**Sec. 58.005. CONFIDENTIALITY OF FACILITY RECORDS.**

- (a) This section applies only to the inspection, copying, and maintenance of a record [Records and files] concerning a child and to the storage of information from which a record could be generated, including personally identifiable information, [and] information obtained for the purpose of diagnosis, examination, evaluation, or treatment of the child or for making a referral for treatment of the [a] child, and other records or information, created by or in the possession of:

- (1) the Texas Juvenile Justice Department;
- (2) an entity having custody of the child under a contract with the Texas Juvenile Justice Department; or
- (3) another [by a] public or private agency or institution [providing supervision of a child by arrangement of the juvenile court or] having custody of the child under order of the juvenile court, including a facility operated by or under contract with a juvenile board or juvenile probation department.

- (a-1) Except as provided by Article 15.27, Code of Criminal Procedure, the records and information to which this section applies may be disclosed only to:

- (1) the professional staff or consultants of the agency or institution;
- (2) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (3) an attorney for the child;

- (4) a governmental agency if the disclosure is required or authorized by law;
- (5) a person or entity to whom the child is referred for treatment or services if the agency or institution disclosing the information has entered into a written confidentiality agreement with the person or entity regarding the protection of the disclosed information;
- (6) the Texas Department of Criminal Justice and the Texas Juvenile Justice Department for the purpose of maintaining statistical records of recidivism and for diagnosis and classification; or
- (7) with permission from [leave of] the juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

- (b) This section does not affect the collection, dissemination, or maintenance of information as provided by Subchapter B or [apply to information collected under Section 58.104 or under Subchapter] D-1.

**Sec. 58.0052. INTERAGENCY SHARING OF CERTAIN NONEDUCATIONAL RECORDS.**

- (b) Subject to Subsection (c), at [At] the request of a juvenile service provider, another juvenile service provider shall disclose to that provider a multi-system youth's personal health information or a history of governmental services provided to the multi-system youth, including:

- (1) identity records;
- (2) medical and dental records;
- (3) assessment or diagnostic test results;
- (4) special needs;
- (5) program placements; [and]
- (6) psychological diagnoses; and
- (7) other related records or information.

**Sec. 58.007. CONFIDENTIALITY OF PROBATION DEPARTMENT, PROSECUTOR, AND COURT [PHYSICAL] RECORDS [OR FILES].**

(a) This section applies only to the inspection, copying, and maintenance of a [physical] record [or file] concerning a child and the storage of information, by electronic means or otherwise, concerning the child from which a [physical] record [or file] could be generated and does not affect the collection, dissemination, or maintenance of information as provided by Subchapter B or D-1. This section does not apply to a record [or file] relating to a child that is:

- (1) required or authorized to be maintained under the laws regulating the operation of motor vehicles in this state;
- (2) maintained by a municipal or justice court; or
- (3) subject to disclosure under Chapter 62, Code of Criminal Procedure.

(b) Except as provided by Section 54.051(d-1) and by Article 15.27, Code of Criminal Procedure, the records, whether physical or electronic, [and files] of a juvenile court, a clerk of court, a juvenile probation department, or a prosecuting attorney relating to a child who is a party to a proceeding under this title may be inspected or copied only by:

- (1) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (2) a juvenile justice agency as that term is defined by Section 58.101;
- (3) an attorney representing [for] a party in a [to the] proceeding under this title;
- (4) a person or entity to whom the child is referred for treatment or services, if the agency or institution disclosing the information has entered into a written confidentiality agreement with the person or entity regarding the protection of the disclosed information;

(5) a public or private agency or institution providing supervision of the child by arrangement of the juvenile court, or

having custody of the child under juvenile court order; or

(6) [(5)] with permission from [leave of] the juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

(b-1) A person who is the subject of the records is entitled to access the records for the purpose of preparing and presenting a motion or application to seal the records.

(g) For the purpose of offering a record as evidence in the punishment phase of a criminal proceeding, a prosecuting attorney may obtain the record of a defendant's adjudication that is admissible under Section 3(a), Article 37.07, Code of Criminal Procedure, by submitting a request for the record to the juvenile court that made the adjudication. If a court receives a request from a prosecuting attorney under this subsection, the court shall, if the court possesses the requested record of adjudication, certify and provide the prosecuting attorney with a copy of the record. If a record has been sealed under this chapter, the juvenile court may not provide a copy of the record to a prosecuting attorney under this subsection.

(i) In addition to the authority to release information under Subsection (b)(6) [(b)(5)], a juvenile probation department may release information contained in its records without leave of the juvenile court pursuant to guidelines adopted by the juvenile board.

**Sec. 58.008. CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS.**

(a) This section applies only to the inspection, copying, and maintenance of a record concerning a child and to the storage of information, by electronic means or otherwise, concerning the child from which a record could be generated and does not affect the collection, dissemination, or maintenance of information as provided by Subchapter B. This section does not apply to a record relating to a child that is:



- (1) required or authorized to be maintained under the laws regulating the operation of motor vehicles in this state;
- (2) maintained by a municipal or justice court; or
- (3) subject to disclosure under Chapter 62, Code of Criminal Procedure.
- (b) Except as provided by Subsection (d), law enforcement records concerning a child and information concerning a child that are stored by electronic means or otherwise and from which a record could be generated may not be disclosed to the public and shall be:
  - (1) if maintained on paper or microfilm, kept separate from adult records;
  - (2) if maintained electronically in the same computer system as adult records, accessible only under controls that are separate and distinct from the controls to access electronic data concerning adults; and
  - (3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subsection (c) or Subchapter B, D, or E.
- (c) The law enforcement records of a person with a determinate sentence who is transferred to the Texas Department of Criminal Justice may be transferred to a central state or federal depository for adult records after the date of transfer and may be shared in accordance with the laws governing the adult records in the depository.
- (d) Law enforcement records concerning a child may be inspected or copied by:
  - (1) a juvenile justice agency, as defined by Section 58.101;
  - (2) a criminal justice agency, as defined by Section 411.082, Government Code;
  - (3) the child; or
  - (4) the child's parent or guardian.
- (e) Before a child or a child's parent or guardian may inspect or copy a record concerning the child under Subsection (d), the custodian of the record shall redact:

- (1) any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child; and
- (2) any information that is excepted from required disclosure under Chapter 552, Government Code, or any other law.
- (f) If a child has been reported missing by a parent, guardian, or conservator of that child, information about the child may be forwarded to and disseminated by the Texas Crime Information Center and the National Crime Information Center.

**Sec. 85.025. DURATION OF PROTECTIVE ORDER.**

- (b) A person who is the subject of a protective order may file a motion not earlier than the first anniversary of the date on which the order was rendered requesting that the court review the protective order and determine whether there is a continuing need for the order.
- (b-1) Following the filing of a motion under Subsection (b), a [A] person who is the subject of a protective order issued under Subsection (a-1) that is effective for a period that exceeds two years may file not more than one [a] subsequent motion requesting that the court review the protective order and determine whether there is a continuing need for the order. The subsequent motion may not be filed earlier than the first anniversary of the date on which the court rendered an order on the [a] previous motion by the person [~~under this subsection~~].
- (b-2) After a hearing on a [the] motion under Subsection (b) or (b-1), if the court does not make a finding that there is no continuing need for the protective order, the protective order remains in effect until the date the order expires under this section. Evidence of the movant's compliance with the protective order does not by itself support a finding by the court that there is no continuing need for the protective order. If the court finds there is no continuing need for the protective order, the court shall order that the protective order expires on a date set by the court.

(b-3) Subsection (b) does not apply to a  
protective order issued under Chapter 7A,  
Code of Criminal Procedure.

## FINANCE CODE

Section	Bill Modifying
348.014	SB 2065
353.017	SB 2065

## FINANCE CODE

### **Sec. 348.014. TRANSACTION CONDITIONED ON PURCHASE OF VEHICLE PROTECTION PRODUCT PROHIBITED.**

- (a) In this section, "vehicle protection product" has the meaning assigned by Section 17.45, Business & Commerce Code.
- (b) A retail seller may not require as a condition of a retail installment transaction or the cash sale of a motor vehicle that the buyer purchase a vehicle protection product that is not installed on the vehicle at the time of the transaction.
- (c) A violation of this section is a false, misleading, or deceptive act or practice within the meaning of Section 17.46, Business & Commerce Code, and is actionable in a public or private suit brought under Subchapter E, Chapter 17, Business & Commerce Code.

### **Sec. 353.017. TRANSACTION CONDITIONED ON PURCHASE OF VEHICLE PROTECTION PRODUCT PROHIBITED.**

- (a) In this section, "vehicle protection product" has the meaning assigned by Section 17.45, Business & Commerce Code.
- (b) A retail seller may not require as a condition of a retail installment transaction or the cash sale of a commercial vehicle that the buyer purchase a vehicle protection product that is not installed on the vehicle at the time of the transaction.
- (c) A violation of this section is a false, misleading, or deceptive act or practice within the meaning of Section 17.46, Business & Commerce Code, and is actionable in a public or private suit brought under Subchapter E, Chapter 17, Business & Commerce Code.

## GOVERNMENT CODE

Section	Bill Modifying
27.031	HB 557
27.0545	HB 799
27.055	HB 431
51.808	SB 1911
51.971	SB 42
56.003	SB 42
56.004	SB 42
57.002	SB 43
62.0132	SB 259
72.015	SB 42
72.016	SB 42
72.032	SB 1326
74.092	SB 42
101.1411	SB 42
103.02101	HB 557
121.003	SB 1326
157.001	SB 43
157.101	SB 43
158.001	SB 42
158.002	SB 42
158.003	SB 42
402.0241	SB 4
411.0485	SB 42
411.179	HB 435

<b>Section</b>	<b>Bill Modifying</b>
411.1882	HB 435
411.201	HB 435
411.209	HB 435
411.441	SB 1138
411.442	SB 1138
411.443	SB 1138
411.444	SB 1138
411.445	SB 1138
411.446	SB 1138
411.447	SB 1138
411.448	SB 1138
411.449	SB 1138
552.117	SB 42
572.002	SB 42
572.023	HB 501
572.0295	HB 501
572.035	SB 42
601.011	SB 500
662.065	HB 297
662.066	HB 3042
752.051	SB 4
752.052	SB 4
752.053	SB 4
752.054	SB 4
752.055	SB 4
752.056	SB 4
752.0565	SB 4
752.057	SB 4

<b>Section</b>	<b>Bill Modifying</b>
772.0073	SB 4 / HB2619 / SB12
772.0074	HB 2619
810.002	SB 500

# GOVERNMENT CODE

## **Sec. 27.031. JURISDICTION.**

(e) A justice court has concurrent jurisdiction with a district court and a municipal court of record over expunction proceedings relating to the arrest of a person for an offense punishable by fine only.

## **Sec. 27.0545. EXCHANGE OF BENCHES: INQUESTS.**

(a) If a justice of the peace or the county judge of a county to which Subchapter A, Chapter 49, Code of Criminal Procedure, applies is not available to conduct an inquest into a person's death occurring in the county, the justice of the peace of the precinct in which the death occurred or the county judge may request a justice of the peace of another county to which that subchapter applies to conduct the inquest.

(b) A justice of the peace who on request conducts an inquest under this section shall, not later than the fifth day after the date the inquest is initiated, transfer all information related to the inquest to the justice of the peace of the precinct in which the death occurred for final disposition of the matter.

(c) A justice of the peace who conducts an inquest under this section is not entitled to receive from the commissioners court of the county in which the death occurred any compensation, other than mileage, for conducting the inquest.

## **Sec. 27.055. SPECIAL AND TEMPORARY JUSTICES.**

(b) If a justice is temporarily unable to perform official duties because of absence, recusal, illness, injury, or other disability, the county judge, on the judge's own motion or at the

request of the justice of the peace, may appoint a qualified person to serve as temporary justice for the duration of the absence of the justice of the peace from the bench [disability]. The commissioner's court shall compensate the temporary justice by the day, week, or month in an amount equal to the compensation of the regular justice. A temporary justice has all the rights and powers of the justice of the peace while serving in that capacity but may not make personnel decisions about, or significant changes in, the justice of the peace's office.

## **Sec. 51.808. NOTICE OF SELF-HELP RESOURCES.**

(a) The clerk of each court in this state shall:

(1) post on the court's Internet website, if any, a link to:

(A) the self-help resources Internet website designated by the Office of Court Administration of the Texas Judicial System, in consultation with the Texas Access to Justice Commission, that includes information on:

(i) lawyer referral services certified under Chapter 952, Occupations Code;

(ii) the name, location, and any Internet website of any local legal aid office; and

(iii) any court-affiliated self-help center serving the county in which the court is located; and

(B) the State Law Library's Internet website; and

(2) conspicuously display in the clerk's office in a location frequently accessed by the public a sign with the information described in Subdivision (1).

(b) The Office of Court Administration of the Texas Judicial System shall prescribe the format for the information required under Subsection (a).



**SUBCHAPTER N. ADDITIONAL FILING FEE  
FOR JUDICIAL AND COURT PERSONNEL  
TRAINING**

**Sec. 51.971. JUDICIAL AND COURT  
PERSONNEL TRAINING FEE.**

- (a) In addition to other fees authorized or required by law, the clerk of a district court, county court, statutory county court, statutory probate court, or justice court shall collect a \$5 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third party action requiring a filing fee to be used as provided under Section 56.003.
- (b) A court may waive payment of a fee due under this section for an individual the court determines is indigent.
- (c) Fees due under this section shall be collected in the same manner as other fees, fines, or costs in the case.
- (d) The clerk of a district court, county court, statutory county court, statutory probate court, or justice court shall deposit the court costs and fees collected under this section in the appropriate local treasury and remit the court costs and fees to the comptroller in the manner provided under Subchapter B, Chapter 133, Local Government Code.
- (e) The comptroller shall deposit the fees received under this section to the credit of the judicial and court personnel training fund established under Section 56.001.
- (f) The comptroller may audit the records of a county related to costs and fees collected under this section.
- (g) Money spent from costs and fees collected under this section is subject to audit by the state auditor.

**Sec. 56.003. USE OF FUNDS.**

- (h) The court of criminal appeals shall grant legal funds to statewide professional associations and other entities that provide

training to individuals responsible for providing court security.

**Sec. 56.004. ALLOCATION OF FUNDS.**

- (b) The legislature shall appropriate funds from the judicial and court personnel training fund to the court of criminal appeals to provide for:
  - (1) continuing legal education, technical assistance, and other support programs for prosecuting attorneys and their personnel, criminal defense attorneys who regularly represent indigent defendants in criminal matters and their personnel, and justices of the peace and their court personnel; [and]
  - (2) innocence training programs for law enforcement officers, law students, and other participants; and
  - (3) court security training programs for individuals responsible for providing court security.

**Sec. 57.002. APPOINTMENT OF  
INTERPRETER OR CART PROVIDER; CART  
PROVIDER LIST.**

- (a) A court shall appoint a certified court interpreter or a certified CART provider for an individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English if a motion for the appointment of an interpreter or provider is filed by a party or requested by a witness in a civil or criminal proceeding in the court.
- (b) A court may, on its own motion, appoint a certified court interpreter or a certified CART provider for an individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English.
- (b-1) A licensed court interpreter appointed by a court under Subsection (a) or (b) must hold a license that includes the appropriate designation under Section 157.101(d)

[57.043(d)] that indicates the interpreter is permitted to interpret in that court.

(3) keep abreast of and provide training on recent court security improvements.

**Sec. 62.0132. WRITTEN JURY SUMMONS QUESTIONNAIRE.**

- (a) The Office of Court Administration of the Texas Judicial System shall develop and maintain a questionnaire to accompany a written jury summons.
- (b) A written jury summons must include:
  - (1) a copy of the questionnaire developed under this section; or
  - (2) the electronic address of the court's Internet website from which the questionnaire developed under this section may be easily printed.
- (d) Except as provided by this subsection, a [A] person who has received a written jury summons [and a written jury summons questionnaire] shall complete and submit a jury summons [the] questionnaire when the person reports for jury duty. If the district and criminal district judges of a county adopt a plan for an electronic jury selection method under Section 62.011, the county may allow a person to complete and submit a jury summons questionnaire on the court's Internet website as authorized under Section 62.0111(b)(5).

**Sec. 72.015. JUDICIAL SECURITY DIVISION.**

- (a) The office shall establish a judicial security division to provide guidance to state court personnel on improving security for each court.
- (b) The office shall appoint a director of security and emergency preparedness to oversee the judicial security division.
- (c) The judicial security division shall:
  - (1) serve as a central resource for information on local and national best practices for court security and the safety of court personnel;
  - (2) provide an expert opinion on the technical aspects of court security; and

**Sec. 72.016. NOTIFICATION PROCEDURE FOR JUDICIAL PRIVACY.**

The director shall develop a procedure to regularly notify county registrars, the Department of Public Safety, the Texas Ethics Commission, and any other state agency the office determines should be notified of the judges, judges' spouses, and related family members whose personal information must be kept from public records, as provided under Sections 552.117 and 572.035 of this code, Sections 13.0021 and 15.0215, Election Code, and Section 521.121, Transportation Code.

**Sec. 72.032. BEST PRACTICES EDUCATION.**

The director shall make available to courts information concerning best practices for addressing the needs of persons with mental illness in the court system, including the use of the preferred terms and phrases provided by Section 392.002.

**Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE.**

- (a) A local administrative judge, for the courts for which the judge serves as local administrative judge, shall:
  - (1) implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases;
  - (2) appoint any special or standing committees necessary or desirable for court management and administration;
  - (3) promulgate local rules of administration if the other judges do not act by a majority vote;
  - (4) recommend to the regional presiding judge any needs for assignment from outside the county to dispose of court caseloads;

- (5) supervise the expeditious movement of court caseloads, subject to local, regional, and state rules of administration;
- (6) provide the supreme court and the office of court administration requested statistical and management information;
- (7) set the hours and places for holding court in the county;
- (8) supervise the employment and performance of nonjudicial personnel;
- (9) supervise the budget and fiscal matters of the local courts, subject to local rules of administration;
- (10) coordinate and cooperate with any other local administrative judge in the district in the assignment of cases in the courts' concurrent jurisdiction for the efficient operation of the court system and the effective administration of justice;
- (11) if requested by the courts the judge serves, establish and maintain the lists required by Section 37.003 and ensure appointments are made from the lists in accordance with Section 37.004; ~~and~~
- (12) perform other duties as may be directed by the chief justice or a regional presiding judge; ~~and~~
- (13) establish a court security committee to adopt security policies and procedures for the courts served by the local administrative district judge that is composed of:
  - (A) the local administrative district judge, or the judge's designee, who serves as presiding officer of the committee;
  - (B) a representative of the sheriff's office;
  - (C) a representative of the county commissioners court;
  - (D) one judge of each type of court in the county other than a municipal court or a municipal court of record;
  - (E) a representative of any county attorney's office, district attorney's office, or criminal district attorney's office that serves in the applicable courts; and

(F) any other person the committee determines necessary to assist the committee.

(b) A court security committee may recommend to the county commissioners court the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

**Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT CODE.**

The clerk of a justice court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

**Sec. 103.02101. ADDITIONAL FEE IN CERTAIN EXPUNCTION CASES: CODE OF CRIMINAL PROCEDURE.**

A petitioner filing an ex parte petition for expunction in a justice court or a municipal court of record shall pay a fee under Article 102.006, Code of Criminal Procedure, of \$100 to defray the costs of notifying state agencies of orders of expunction.

**Sec. 157.001. DEFINITIONS.**

- (2) "Licensed court interpreter" means an individual licensed under this chapter by the commission to interpret court proceedings for an individual who can hear but who has no or limited English proficiency ~~[does not comprehend English or communicate in English]~~.

**Sec. 157.101. ISSUANCE OF LICENSE; TERM.**

- (a) The director shall issue a court interpreter license to an applicant who:
  - (1) can interpret for an individual who can hear but who has no or limited English proficiency ~~[does not comprehend English or communicate in English]~~;
  - (2) passes the appropriate examination

prescribed by the commission within the period specified in Section 152.201(c-1) [not earlier than two years before the date the director receives the applicant's application for a license]; and

(3) possesses the other qualifications for the license required by this chapter or by rules adopted under this chapter.

(c) A license issued under this chapter expires on the last day of the month in which the second anniversary of the date on which the license was issued occurs unless it is renewed on or before that date [is valid for one year from the date of issuance].

(d) A license issued under this chapter must include at least one of the following designations:

(1) a basic designation that permits the interpreter to interpret court proceedings in justice courts and municipal courts that are not municipal courts of record, but the designation does not permit the interpreter to interpret [other than] a proceeding before the court in which the judge is acting as a magistrate; or

(2) a master designation that permits the interpreter to interpret court proceedings in all courts in this state, including justice courts and municipal courts described by Subdivision (1).

## **CHAPTER 158. COURT SECURITY OFFICERS**

### **Sec. 158.001. DEFINITION.**

In this chapter, "court security officer" means a constable, sheriff, sheriff's deputy, municipal peace officer, or any other person assigned to provide security for an appellate, district, statutory county, county, municipal, or justice court in this state.

### **Sec. 158.002. COURT SECURITY CERTIFICATION.**

(a) Except as provided by Subsection (b), a person may not serve as a court security officer for an appellate, district, statutory

county, county, municipal, or justice court in this state unless the person holds a court security certification issued by a training program approved by the Texas Commission on Law Enforcement.

(b) A court security officer is not required to hold a court security certification to provide security to a court described by Subsection (a) before the first anniversary of the date the officer begins providing security for the court.

### **Sec. 158.003. VERIFICATION.**

The sheriff, constable, law enforcement agency, or other entity that provides security for a court shall verify that each court security officer holds the court security certification as required by this chapter.

## **Sec. 402.0241. DEFENSE OF LOCAL ENTITIES IN SUITS RELATED TO IMMIGRATION DETAINER REQUESTS.**

(a) In this section, "local entity" has the meaning assigned by Section 752.051.

(b) The attorney general shall defend a local entity in any action in any court if:

(1) the executive head or governing body, as applicable, of the local entity requests the attorney general's assistance in the defense; and

(2) the attorney general determines that the cause of action arises out of a claim involving the local entity's good-faith compliance with an immigration detainer request required by Article 2.251, Code of Criminal Procedure.

(c) If the attorney general defends a local entity under Subsection (b), the state is liable for the expenses, costs, judgment, or settlement of the claims arising out of the representation. The attorney general may settle or compromise any and all claims described by Subsection (b)(2). The state may not be liable for any expenses, costs, judgments, or settlements of any claims against a local entity not being represented

by the attorney general under Subsection (b).

**Sec. 411.0485. PROTECTION FOR JUDGES.**

Any commissioned peace officer in this state, including a commissioned officer of the department, may provide personal security to a state judge at any location in this state, regardless of the location of the law enforcement agency or department that employs or commissions the peace officer.

**Sec. 411.179. FORM OF LICENSE.**

(c) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a qualified handgun instructor or of the attorney general or a judge, justice, United States attorney, assistant United States attorney, assistant attorney general, prosecuting attorney, or assistant prosecuting attorney, as described by Section 46.15(a)(4), [or] (6), or (7), Penal Code, to indicate on the license the license holder's status as a qualified handgun instructor or as the attorney general or a judge, justice, United States attorney, assistant United States attorney, assistant attorney general, district attorney, criminal district attorney, or county attorney. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status under this subsection.

**Sec. 411.1882. EVIDENCE OF HANDGUN PROFICIENCY FOR CERTAIN PERSONS.**

(a) A person who is serving in this state as the attorney general or as a judge or justice of a federal court, as an active judicial officer as defined by Section 411.201, as a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney, as a supervision officer as defined by [Section 2,] Article 42A.001

[42.42], Code of Criminal Procedure, or as a juvenile probation officer may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Texas Commission on Law Enforcement for purposes of Section 1702.1675, Occupations Code, a sworn statement that indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns.

**Sec. 411.201. ACTIVE AND RETIRED JUDICIAL OFFICERS.**

(h) The department shall issue a license to carry a handgun under the authority of this subchapter to a United States attorney or an assistant United States attorney, or to an [elected] attorney elected or employed to represent [representing] the state in the prosecution of felony cases, who meets the requirements of this section for an active judicial officer. The department shall waive any fee required for the issuance of an original, duplicate, or renewed license under this subchapter for an applicant who is a United States attorney or an assistant United States attorney or who is an attorney elected or employed to represent the state in the prosecution of felony cases.

**Sec. 411.209. WRONGFUL EXCLUSION OF [CONCEALED] HANDGUN LICENSE HOLDER.**

(a) Except as provided by Subsection (i), a [A] state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a [concealed handgun] license to carry a handgun, that a license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on

the premises or other place by Section 46.03 or 46.035, Penal Code.

(d) A resident ~~[citizen]~~ of this state or a person licensed to carry a ~~[concealed]~~ handgun under this subchapter may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a) if the resident ~~[citizen]~~ or person provides the agency or subdivision a written notice that describes the violation and specific location of the sign found to be in violation and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice. A complaint filed under this subsection must include evidence of the violation and a copy of the written notice.

(i) Subsection (a) does not apply to a written notice provided by a state hospital under Section 552.002, Health and Safety Code.

## **SUBCHAPTER P. BLUE ALERT SYSTEM**

### **Sec. 411.441. DEFINITIONS.**

In this subchapter:

(1) "Alert system" means the statewide blue alert system that is developed and implemented under this subchapter.

(2) "Law enforcement agency" means a law enforcement agency with jurisdiction over the investigation of an alleged offense that resulted in the death or serious bodily injury of a law enforcement officer.

(3) "Law enforcement officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure, or a person who is a federal law enforcement officer, as defined by 5 U.S.C. Section 8331(20).

(4) "Serious bodily injury" has the meaning assigned by Section 1.07, Penal Code.

### **Sec. 411.442. BLUE ALERT SYSTEM.**

With the cooperation of the Texas Department of Transportation, the office of the governor,

and other appropriate law enforcement agencies in this state, the department shall develop and implement a statewide blue alert system to be activated to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer.

### **Sec. 411.443. ADMINISTRATION.**

(a) The director is the statewide coordinator of the alert system.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The rules and directives must include:

(1) the procedures to be used by a law enforcement agency to verify whether:

(A) an individual is suspected of killing or causing serious bodily injury to a law enforcement officer and is not yet apprehended; and

(B) the activation of the alert system would aid in the apprehension of that individual;

(2) a description of the circumstances under which a law enforcement agency is required to report a missing suspect to the department; and

(3) the procedures to be used by an individual or entity to report information about a missing suspect to designated media outlets in Texas.

(c) The director shall prescribe forms for use by law enforcement agencies in requesting activation of the alert system.

### **Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS.**

The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

**Sec. 411.445. STATE AGENCIES.**

- (a) A state agency participating in the alert system shall:
- (1) cooperate with the department and assist in developing and implementing the alert system; and
  - (2) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.
- (b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

**Sec. 411.446. NOTIFICATION TO DEPARTMENT.**

- (a) A law enforcement agency that receives notice of an individual who is suspected of killing or causing serious bodily injury to a law enforcement officer and who has not yet been apprehended shall:
- (1) confirm the accuracy of the information; and
  - (2) if the agency believes the missing suspect poses a threat to other law enforcement officers and to the public, provide notice to the department.
- (b) A law enforcement agency providing notice to the department under Subsection (a) shall include with that notice a detailed description of the missing suspect and, if applicable, any available portion of the license plate number of a motor vehicle being used by the suspect.

**Sec. 411.447. ACTIVATION OF BLUE ALERT SYSTEM.**

- (a) When a law enforcement agency notifies the department under Section 411.446, the department shall confirm the accuracy of the information and, if confirmed, immediately issue an alert through the alert system in accordance with department rules.

(b) In issuing the alert, the department shall send the alert to designated media outlets in Texas. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals to assist in locating the missing suspect.

- (c) The department shall also send the alert to:
- (1) any appropriate law enforcement agency;
  - (2) the Texas Department of Transportation; and
  - (3) a state agency described by Section 411.445.

**Sec. 411.448. CONTENT OF ALERT.**

The alert must include:

- (1) all appropriate information that is provided by the law enforcement agency under Section 411.446 and that may lead to the apprehension of the missing suspect; and
- (2) a statement instructing any person with information related to the missing suspect to contact a law enforcement agency.

**Sec. 411.449. TERMINATION OF ALERT SYSTEM.**

- (a) The director shall terminate any activation of the alert system with respect to a particular missing suspect not later than the earlier of the date on which:
- (1) the missing suspect is apprehended;
  - (2) the department receives evidence that the missing suspect has left this state; or
  - (3) the department determines that the alert system will no longer aid in the apprehension of the missing suspect.
- (b) A law enforcement agency that apprehends a missing suspect who is the subject of an alert under this subchapter shall notify the department as soon as

possible that the missing suspect has been apprehended.

**Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND PERSONAL FAMILY INFORMATION.**

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(12) a current or former federal judge or state judge, as those terms are defined by Section 13.0021(a), Election Code, or a spouse of a current or former federal judge or state judge; or

(13) a current or former district attorney, criminal district attorney, or county attorney whose jurisdiction includes any criminal law or child protective services matter.

**Sec. 572.002. GENERAL DEFINITIONS.**

(11-a) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, a county court at law, or a statutory probate court of this state;

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter;

(C) a magistrate or associate judge appointed under Chapter 54 or 54A;

(D) a justice of the peace; or

(E) a municipal court judge.

**Sec. 572.023. CONTENTS OF FINANCIAL STATEMENT IN GENERAL.**

(b) The account of financial activity consists of:

(1) a list of all sources of occupational income, identified by employer, or if self-employed, by the nature of the occupation, including identification of a person or other organization from which the individual or a business in which the individual has a substantial interest received a fee as a retainer for a claim on future services in case of need, as distinguished from a fee for services on a matter specified at the time of contracting for or receiving the fee, if professional or occupational services are not actually performed during the reporting period equal to or in excess of the amount of the retainer, and the category of the amount of the fee;

(2) identification by name and the category of the number of shares of stock of any business entity held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;

(3) a list of all bonds, notes, and other commercial paper held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;

(4) identification of each source and the category of the amount of income in excess of \$500 derived from each source from interest, dividends, royalties, and rents;

(5) identification of each guarantor of a loan and identification of each person or financial institution to whom a personal note or notes or lease agreement for a total financial liability in excess of \$1,000 existed at any time during the year and the category of the amount of the liability;

(6) identification by description of all beneficial interests in real property and business entities held or acquired, and if sold, the category of the amount of the net gain or loss realized from the sale;

(7) identification of a person or other organization from which the individual or



the individual's spouse or dependent children received a gift of anything of value in excess of \$250 and a description of each gift, except:

- (A) a gift received from an individual related to the individual at any time within the second degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573;
  - (B) a political contribution that was reported as required by Chapter 254, Election Code; and
  - (C) an expenditure required to be reported by a person required to be registered under Chapter 305;
- (8) identification of the source and the category of the amount of all income received as beneficiary of a trust, other than a blind trust that complies with Subsection (c), and identification of each trust asset, if known to the beneficiary, from which income was received by the beneficiary in excess of \$500;
- (9) identification:
- (A) by description of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which five percent or more of the outstanding ownership was held, acquired, or sold; and
  - (B) by description and the category of the amount of all assets and liabilities of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which 50 percent or more of the outstanding ownership was held, acquired, or sold;
- (10) a list of all boards of directors of which the individual is a member and executive positions that the individual holds in corporations, firms, partnerships, limited partnerships, limited liability partnerships,

professional corporations, professional associations, joint ventures, or other business associations or proprietorships, stating the name of each corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association or proprietorship and the position held;

- (11) identification of any person providing transportation, meals, or lodging expenses permitted under Section 36.07(b), Penal Code, and the amount of those expenses, other than expenditures required to be reported under Chapter 305;
- (12) any corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association, excluding a publicly held corporation, in which both the individual and a person registered under Chapter 305 have an interest;
- (13) identification by name and the category of the number of shares of any mutual fund held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale; ~~and~~
- (14) identification of each blind trust that complies with Subsection (c), including:
  - (A) the category of the fair market value of the trust;
  - (B) the date the trust was created;
  - (C) the name and address of the trustee; and
  - (D) a statement signed by the trustee, under penalty of perjury, stating that:
    - (i) the trustee has not revealed any information to the individual, except information that may be disclosed under Subdivision (8); and
    - (ii) to the best of the trustee's knowledge, the trust complies with this section;

(15) if the aggregate cost of goods or services sold under one or more written contracts described by this subdivision exceeds \$10,000 in the year covered by the report, identification of each written contract, including the name of each party to the contract:

(A) for the sale of goods or services in the amount of \$2,500 or more;

(B) to which the individual, the individual's spouse, the individual's dependent child, or any business entity of which the individual, the individual's spouse, or the individual's dependent child, independently or in conjunction with one or more persons described by this subsection, has at least a 50 percent ownership interest is a party; and

(C) with:

(i) a governmental entity; or

(ii) a person who contracts with a governmental entity, if the individual or entity described by Paragraph (B) performs work arising out of the contract, subcontract, or agreement between the person and the governmental entity for a fee; and

(16) if the individual is a member of the legislature and provides bond counsel services to an issuer, as defined by Section 1201.002(1), identification of the following for each issuance for which the individual served as bond counsel:

(A) the amount of the issuance;

(B) the name of the issuer;

(C) the date of the issuance;

(D) the amount of fees paid to the individual, and whether the amount is:

(i) less than \$5,000;

(ii) at least \$5,000 but less than \$10,000;

(iii) at least \$10,000 but less than \$25,000; or

(iv) \$25,000 or more; and

(E) the amount of fees paid to the individual's firm, if applicable, and whether the amount is:

(i) less than \$5,000;

(ii) at least \$5,000 but less than \$10,000;

(iii) at least \$10,000 but less than \$25,000; or

(iv) \$25,000 or more.

(e) In this section, "governmental entity" means this state, a political subdivision of the state, or an agency or department of the state or a political subdivision of the state.

(f) Subsection (b)(15) does not require the disclosure of an employment contract between a school district or open-enrollment charter school and an employee of the district or school.

(g) An individual who complies with any applicable requirements of Sections 51.954 and 51.955, Education Code, and Section 2252.908 of this code, in an individual capacity or as a member or employee of an entity to which those sections apply, is not required to include in the account of financial activity the information described by Subsection (b)(15) unless specifically requested by the commission to include the information.

#### **Sec. 572.0295. AMENDMENT OF FINANCIAL STATEMENT.**

(a) A person who files a financial statement under this chapter may amend the person's statement.

(b) A financial statement that is amended is considered to have been filed on the date on which the original statement was filed if:

(1) the amendment is made on or before the 14th day after the date the person filing the statement learns of an error or omission in the original statement;

(2) the original financial statement was made in good faith and without an intent to mislead or to misrepresent the information contained in the statement; and

(3) the person filing the amendment accompanies the amendment with a declaration that:

(A) the person became aware of the error or omission in the original statement during the preceding 14 days; and

(B) the original statement was made in good faith and without intent to mislead or to misrepresent the information contained in the statement.

**Sec. 572.035. REMOVAL OF PERSONAL INFORMATION FOR FEDERAL JUDGES, STATE JUDGES, AND SPOUSES.**

On receiving notice from the Office of Court Administration of the Texas Judicial System of the judge's qualification for the judge's office, the commission shall remove or redact from any financial statement, or information derived from a financial statement, that is available to the public the residence address of a federal judge, a state judge, or the spouse of a federal or state judge.

**Sec. 601.011. VACANCY ON FINAL FELONY CONVICTION OF MEMBER OF LEGISLATURE, GOVERNOR, OR STATE ELECTED OFFICIAL.**

A member of the legislature, the governor, or a state elected official convicted of a felony vacates the member's, governor's, or official's office on the date the conviction becomes final.

**Sec. 662.065. LAW ENFORCEMENT APPRECIATION DAY.**

(a) January 9 is Law Enforcement Appreciation Day.

(b) Law Enforcement Appreciation Day may be regularly observed in public schools and other places. The Texas Education Agency shall develop recommendations for the observation of Law Enforcement Appreciation Day through appropriate activities in the public schools.

**Sec. 662.066. FALLEN LAW ENFORCEMENT OFFICER DAY.**

(a) July 7 is Fallen Law Enforcement Officer Day in recognition of the ultimate sacrifice made by Texas law enforcement officers killed in the line of duty.

(b) Fallen Law Enforcement Officer Day shall be regularly observed by appropriate ceremonies.

**SUBCHAPTER C. ENFORCEMENT OF STATE AND FEDERAL IMMIGRATION LAWS BY LOCAL ENTITIES AND CAMPUS POLICE DEPARTMENTS.**

**Sec. 752.051. DEFINITIONS.**

In this subchapter:

(1) "Campus police department" means a law enforcement agency of an institution of higher education.

(2) "Immigration laws" means the laws of this state or federal law relating to aliens, immigrants, or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

(3) "Institution of higher education" means:

(A) an institution of higher education as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education as defined by Section 61.003, Education Code.

(4) "Lawful detention" means the detention of an individual by a local entity, state criminal justice agency, or campus police department for the investigation of a criminal offense. The term excludes a detention if the sole reason for the detention is that the individual:

(A) is a victim of or witness to a criminal offense; or

(B) is reporting a criminal offense.

(5) "Local entity" means:

(A) the governing body of a municipality, county, or special district or authority, subject to Section 752.052;

(B) an officer or employee of or a division, department, or other body that is part of a municipality, county, or special district or authority, including a sheriff, municipal police department, municipal attorney, or county attorney; and

(C) a district attorney or criminal district attorney.

(6) "Policy" includes a formal, written rule, order, ordinance, or policy and an informal, unwritten policy.

**Sec. 752.052. APPLICABILITY OF SUBCHAPTER.**

(a) This subchapter does not apply to a hospital or hospital district created under Subtitle C or D, Title 4, Health and Safety Code, a federally qualified health center as defined in Section 31.017, Health and Safety Code, a hospital owned or operated by an institution of higher education, or a hospital district created under a general or special law authorized by Article IX, Texas Constitution, to the extent that the hospital or hospital district is providing access to or delivering medical or health care services as required under the following applicable federal or state laws:

(1) 42 U.S.C. Section 1395dd;

(2) 42 U.S.C. Section 1396b(v);

(3) Subchapter C, Chapter 61, Health and Safety Code;

(4) Chapter 81, Health and Safety Code; and

(5) Section 311.022, Health and Safety Code.

(b) Subsection (a) excludes the application of this subchapter to a commissioned peace officer:

(1) employed by a hospital or hospital district during the officer's employment; or

(2) commissioned by a hospital or hospital district.

(c) This subchapter does not apply to a commissioned peace officer employed or contracted by a religious organization during the officer's employment with the organization or while the officer is performing the contract.

(d) This subchapter does not apply to a school district or open-enrollment charter school, including a peace officer employed or contracted by a district or charter school during the officer's employment with the district or charter school or while the officer is performing the contract. This subchapter does not apply to the release of information contained in educational records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(e) This subchapter does not apply to the public health department of a local entity.

(f) This subchapter does not apply to:

(1) a community center as defined by Section 571.003, Health and Safety Code; or

(2) a local mental health authority as defined by Section 531.002, Health and Safety Code.

**Sec. 752.053. POLICIES AND ACTIONS REGARDING IMMIGRATION ENFORCEMENT.**

(a) A local entity or campus police department may not:

(1) adopt, enforce, or endorse a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws;

(2) as demonstrated by pattern or practice, prohibit or materially limit the enforcement of immigration laws; or

(3) for an entity that is a law enforcement agency or for a department, as demonstrated by pattern or practice,

intentionally violate Article 2.251, Code of Criminal Procedure.

(b) In compliance with Subsection (a), a local entity or campus police department may not prohibit or materially limit a person who is a commissioned peace officer described by Article 2.12, Code of Criminal Procedure, a corrections officer, a booking clerk, a magistrate, or a district attorney, criminal district attorney, or other prosecuting attorney and who is employed by or otherwise under the direction or control of the entity or department from doing any of the following:

(1) inquiring into the immigration status of a person under a lawful detention or under arrest;

(2) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest, including information regarding the person's place of birth:

(A) sending the information to or requesting or receiving the information from United States Citizenship and Immigration Services, United States Immigration and Customs Enforcement, or another relevant federal agency;

(B) maintaining the information; or

(C) exchanging the information with another local entity or campus police department or a federal or state governmental entity;

(3) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or

(4) permitting a federal immigration officer to enter and conduct enforcement activities at a jail to enforce federal immigration laws.

(c) Notwithstanding Subsection (b)(3), a local entity or campus police department may prohibit persons who are employed by or otherwise under the direction or control of the entity or department from assisting or cooperating with a federal immigration

officer if the assistance or cooperation occurs at a place of worship.

**Sec. 752.054. DISCRIMINATION PROHIBITED.**

A local entity, campus police department, or a person employed by or otherwise under the direction or control of the entity or department may not consider race, color, religion, language, or national origin while enforcing immigration laws except to the extent permitted by the United States Constitution or Texas Constitution.

**Sec. 752.055. COMPLAINT; EQUITABLE RELIEF.**

(a) Any citizen residing in the jurisdiction of a local entity or any citizen enrolled at or employed by an institution of higher education may file a complaint with the attorney general if the person asserts facts supporting an allegation that the entity or the institution's campus police department has violated Section 752.053. The citizen must include a sworn statement with the complaint stating that to the best of the citizen's knowledge, all of the facts asserted in the complaint are true and correct.

(b) If the attorney general determines that a complaint filed under Subsection (a) against a local entity or campus police department is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the principal office of the entity or department is located to compel the entity or department that is suspected of violating Section 752.053 to comply with that section.

(c) An appeal of a suit brought under Subsection (b) is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. The appellate court shall render its final order or judgment with the least possible delay.

**Sec. 752.056. CIVIL PENALTY.**

- (a) A local entity or campus police department that is found by a court of law as having intentionally violated Section 752.053 is subject to a civil penalty in an amount:
  - (1) not less than \$1,000 and not more than \$1,500 for the first violation; and
  - (2) not less than \$25,000 and not more than \$25,500 for each subsequent violation.
- (b) Each day of a continuing violation of Section 752.053 constitutes a separate violation for the civil penalty under this section.
- (c) The court that hears an action brought under Section 752.055 against the local entity or campus police department shall determine the amount of the civil penalty under this section.
- (d) A civil penalty collected under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter B, Chapter 56, Code of Criminal Procedure.
- (e) Sovereign immunity of this state and governmental immunity of a county and municipality to suit is waived and abolished to the extent of liability created by this section.

**Sec. 752.0565. REMOVAL FROM OFFICE.**

- (a) For purposes of Section 66.001, Civil Practice and Remedies Code, a person holding an elective or appointive office of a political subdivision of this state does an act that causes the forfeiture of the person's office if the person violates Section 752.053.
- (b) The attorney general shall file a petition under Section 66.002, Civil Practice and Remedies Code, against a public officer to which Subsection (a) applies if presented with evidence, including evidence of a statement by the public officer, establishing probable grounds that the public officer engaged in conduct described by Subsection (a). The court in which the petition is filed shall give precedence to proceedings relating to the petition in the

same manner as provided for an election contest under Section 23.101.

- (c) If the person against whom an information is filed based on conduct described by Subsection (a) is found guilty as charged, the court shall enter judgment removing the person from office.

**Sec. 752.057. COMMUNITY OUTREACH POLICY.**

- (a) Each law enforcement agency that is subject to the requirements of this subchapter may adopt a written policy requiring the agency to perform community outreach activities to educate the public that a peace officer may not inquire into the immigration status of a victim of or witness to an alleged criminal offense unless, as provided by Article 2.13, Code of Criminal Procedure, the officer determines that the inquiry is necessary to:
  - (1) investigate the offense; or
  - (2) provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.
- (b) A policy adopted under this section must include outreach to victims of:
  - (1) family violence, as that term is defined by Section 71.004, Family Code, including those receiving services at family violence centers under Chapter 51, Human Resources Code; and
  - (2) sexual assault, including those receiving services under a sexual assault program, as those terms are defined by Section 420.003.

**Sec. 772.0073 (as added by SB 4). ENFORCEMENT OF IMMIGRATION LAW GRANT PROGRAM.**

- (a) In this section:
  - (1) "Criminal justice division" means the criminal justice division established under Section 772.006.

(2) "Immigration detainer request" means a federal government request to a local entity to maintain temporary custody of an alien, including a United States Department of Homeland Security Form I-247 document or a similar or successor form.

(3) "Immigration laws" means the laws of this state or federal law relating to aliens, immigrants, or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

(4) "Local entity" means a municipality or county.

(b) The criminal justice division shall establish and administer a competitive grant program to provide financial assistance to local entities to offset costs related to:

(1) enforcing immigration laws; or

(2) complying with, honoring, or fulfilling immigration detainer requests.

(c) The criminal justice division shall establish:

(1) eligibility criteria for grant applicants;

(2) grant application procedures;

(3) criteria for evaluating grant applications and awarding grants;

(4) guidelines related to grant amounts; and

(5) procedures for monitoring the use of a grant awarded under this section and ensuring compliance with any conditions of the grant.

(d) The criminal justice division may use any revenue available for purposes of this section.

**Sec. 772.0073 (as added by HB 2619).  
PEACE OFFICER MENTAL HEALTH GRANT  
PROGRAM.**

(a) In this section:

(1) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(2) "Criminal justice division" means the criminal justice division established under Section 772.006.

(b) The criminal justice division shall establish and administer a grant program through which a law enforcement agency may apply for a grant to implement programs, practices, and services designed to address the direct or indirect emotional harm suffered by peace officers employed by the law enforcement agency in the course of the officers' duties or as the result of the commission of crimes by other persons.

(c) Grant money awarded under this section may be used to pay for:

(1) mental health counseling and other mental health care;

(2) personnel costs incurred by the department as a result of providing direct services and supporting activities under an implemented program, practice, or service;

(3) skills training for department personnel related to providing direct services under an implemented program, practice, or service; and

(4) evaluation of an implemented program, practice, or service to determine its effectiveness.

(d) Information obtained in the administration of a program, practice, or service funded by a grant made under this section is confidential and is not subject to disclosure under Chapter 552.

(e) A law enforcement agency may not use against a peace officer in a departmental proceeding any information obtained in the administration of a program, practice, or service funded by a grant made under this section.

(f) The criminal justice division shall establish:

(1) eligibility criteria for grant applicants;

(2) grant application procedures;

(3) guidelines relating to grant amounts;

(4) procedures for evaluating grant applications; and

(5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(g) The criminal justice division shall evaluate and compare the programs, practices, and services implemented by each law enforcement agency that receives a grant under this section to determine the most successful programs, practices, and services for maintaining the mental health of peace officers.

(h) The criminal justice division may contract with a third party to conduct the evaluations and comparison described by Subsection (g).

(i) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

(j) The criminal justice division may use any available funds to implement this section.

**Sec. 772.0073 (as added by SB 12).  
BULLETPROOF VEST AND BODY ARMOR  
GRANT PROGRAM.**

(a) In this section, "criminal justice division" means the criminal justice division established under Section 772.006.

(b) The criminal justice division shall establish and administer a grant program to provide financial assistance to a law enforcement agency in this state that seeks to equip its peace officers with bulletproof vests, ballistic plates, and plate carriers.

(c) A vest or plate purchased with a grant received under this section must comply with a National Institute of Justice standard for rifle protection.

(d) A law enforcement agency may apply for a grant under this section only if the agency first adopts a policy addressing the:

(1) deployment and allocation of vests or plates to its officers; and

(2) usage of vests or plates by its officers.

(e) A law enforcement agency receiving a

grant under this section must, as soon as practicable after receiving the grant, provide to the criminal justice division proof of purchase of bulletproof vests, ballistic plates, and plate carriers, including the price of each item and the number of each type of item purchased.

(f) Not later than December 1 of each year, the criminal justice division shall submit to the Legislative Budget Board a report that provides the following information for the preceding state fiscal year:

(1) the name of each law enforcement agency that applied for a grant under this section;

(2) the amount of money distributed to each law enforcement agency that received a grant under this section; and

(3) as reported under Subsection (e), the number of vests, plates, and carriers purchased by each agency described by Subdivision (2).

(g) The criminal justice division may use any revenue available for purposes of this section.

**Sec. 772.0074. CRITICAL INCIDENT STRESS  
DEBRIEFING GRANT PROGRAM.**

(a) In this section:

(1) "Criminal justice division" means the criminal justice division established under Section 772.006.

(2) "Critical incident" means an incident involving a peace officer that occurs while the officer is performing official duties and that results in serious bodily injury to the officer or poses a substantial risk of serious bodily injury or death to the officer or of serious harm to the officer's mental health or well-being.

(3) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state that is authorized by law to employ peace officers.



- (4) "Peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.
- (b) The criminal justice division shall establish and administer a grant program to assist law enforcement agencies in providing critical incident stress debriefing to peace officers who experience critical incidents while performing official duties.
- (c) The criminal justice division may award a grant under this section to:
- (1) a law enforcement agency for the agency to provide critical incident stress debriefing to peace officers employed by the agency; or
- (2) any other agency, organization with a focus on mental health or trauma-related issues, or university with relevant expertise and experience to assist in providing support for the grant program, including support related to the development, implementation, management, or evaluation of the grant program, as determined necessary by the division.
- (d) A law enforcement agency that receives a grant under this section must:
- (1) inform each peace officer employed by the agency about:
- (A) the program, including opportunities to participate in the program; and
- (B) if the officer participates in the program, the confidentiality protections described by Subsection (e); and
- (2) certify in writing that the agency will not use disciplinary action or any other form of punishment, including the refusal of a promotion, to discourage or prohibit an officer's participation in the critical incident stress debriefing offered by the agency.
- (e) Critical incident stress debriefing provided using money distributed under the grant program is subject to the confidentiality protections provided under Section 784.003, Health and Safety Code.
- (f) The criminal justice division shall establish:
- (1) eligibility criteria for grant applicants;
- (2) grant application procedures;
- (3) procedures for evaluating grant applications;
- (4) the minimum qualifications necessary for a person to conduct critical incident stress debriefing that is provided using money distributed under the grant program; and
- (5) guidance for the development of critical incident stress debriefing curricula, materials, and best practices.
- (g) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.
- Sec. 810.002. CERTAIN ELECTED OFFICIALS INELIGIBLE FOR RETIREMENT ANNUITY.**
- (a) In this section:
- (1) "Governing body of a public retirement system" and "public retirement system" have the meanings assigned by Section 802.001.
- (2) "Qualifying felony" means any felony involving:
- (A) bribery;
- (B) the embezzlement, extortion, or other theft of public money;
- (C) perjury;
- (D) coercion of public servant or voter;
- (E) tampering with governmental record;
- (F) misuse of official information;
- (G) conspiracy or the attempt to commit any of the offenses described by Paragraphs (A)-(F); or
- (H) abuse of official capacity.
- (b) This section applies only to a person who is:
- (1) a member of the elected class of the Employees Retirement System of Texas as described by Section 812.002(a)(1) or
- (2) or

- (2) otherwise eligible for membership in a public retirement system wholly or partly because the person was elected or appointed to an elected office.
- (c) Except as provided by Subsection (d), a member of a public retirement system is not eligible to receive a service retirement annuity under the retirement system if the member is convicted of a qualifying felony committed while in office and arising directly from the official duties of that elected office.
- (d) The retirement system, on receipt of notice of a conviction under Subsection (e) or (k), any similar notice of a conviction of a qualifying felony from a United States district court or United States attorney, or any other information that the retirement system determines by rule is sufficient to establish a conviction of a qualifying felony, shall suspend payments of a service retirement annuity to a person the system determines is ineligible to receive the annuity under Subsection (c). A person whose conviction is overturned on appeal or who meets the requirements for innocence under Section 103.001(a)(2), Civil Practice and Remedies Code:
- (1) is entitled to receive an amount equal to the accrued total of payments and interest earned on the payments withheld during the suspension period; and
- (2) may resume receipt of annuity payments on payment to the retirement system of an amount equal to the contributions refunded to the person under Subsection (f).
- (e) Not later than the 30th day after the conviction of a person of a qualifying felony, the governmental entity to which the person was elected or appointed must provide written notice of the conviction to the public retirement system in which the person is enrolled. The notice must comply with the administrative rules adopted by the public retirement system under Subsection (j).
- (f) A member who is ineligible to receive a service retirement annuity under Subsection (c) is entitled to a refund of the member's service retirement annuity contributions,
- including interest earned on those contributions. A refund under this subsection is subject to an award of all or part of the member's service retirement annuity contributions to a former spouse, including as a just and right division of the contributions on divorce, payment of child support, or payment of spousal maintenance or contractual alimony or other order of a court.
- (g) Benefits payable to an alternate payee under Chapter 804 who is recognized by a qualified domestic relations order established before the effective date of this subsection are not affected by a member's ineligibility to receive a service retirement annuity under Subsection (c).
- (h) On conviction of a member for a qualifying felony:
- (1) a court may, in the same manner as in a divorce or annulment proceeding, make a just and right division of the member's service retirement annuity by awarding to the member's spouse all or part of the community property interest in the annuity forfeited by the member; and
- (2) a court shall, if the member's service retirement annuity was partitioned or exchanged by written agreement of the spouses as provided by Subchapter B, Chapter 4, Family Code, before the member's commission of the offense, award the annuity forfeited by the member to the member's spouse as provided in the agreement.
- (i) Ineligibility for a service retirement annuity under this section does not impair a person's right to any other retirement benefit for which the person is eligible.
- (j) The governing body of a public retirement system shall adopt rules and procedures to implement this section.
- (k) A court shall notify the retirement system of the terms of a conviction of a person convicted of an offense described by Subsection (c).
- (l) Notwithstanding any other provision of this section, if the spouse of a member convicted

of a qualifying felony is convicted of the felony as a party to the offense as defined by Section 7.01, Penal Code, or of another qualifying offense arising out of the same criminal episode as defined by Section 3.01,

Penal Code, the spouse forfeits the member's service retirement annuity and service retirement contributions to the same extent as the member.

## HEALTH & SAFETY CODE

Section	Bill Modifying
365.012	HB 1884
365.016	HB 1884
382.018	HB 1619
552.002	HB 435
573.0001	SB 344
573.001	SB 344
573.002	SB 344
573.005	SB 344
573.021	SB 344
574.034	SB 1326
614.0032	SB 1326
697.001	SB 8
697.002	SB 8
697.003	SB 8
697.004	SB 8
697.005	SB 8
697.006	SB 8
697.007	SB 8
697.008	SB 8
697.009	SB 8
711.001	SB 1630
711.004	SB 1630
711.010	SB 1630
711.011	SB 1630

<b>Section</b>	<b>Bill Modifying</b>
711.0111	SB 1630
711.041	SB 1630
712.0441	SB 1630
773.017	HB 1249
821.023	SB 762 / SB 1232
1001.241	SB 1599

## HEALTH & SAFETY CODE

### **Sec. 365.012. ILLEGAL DUMPING; DISCARDING LIGHTED MATERIALS; CRIMINAL PENALTIES.**

(a) A person commits an offense if the person disposes or allows or permits the disposal of litter or other solid waste at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right-of-way, on other public or private property, or into inland or coastal water of the state.

(a-1) A person commits an offense if:

(1) the person discards lighted litter, including a match, cigarette, or cigar, onto open-space land, a private road or the right-of-way of a private road, a public highway or other public road or the right-of-way of a public highway or other public road, or a railroad right-of-way; and

(2) a fire is ignited as a result of the conduct described by Subdivision (1).

(b) A person commits an offense if the person receives litter or other solid waste for disposal at a place that is not an approved solid waste site, regardless of whether the litter or other solid waste or the land on which the litter or other solid waste is disposed is owned or controlled by the person.

(c) A person commits an offense if the person transports litter or other solid waste to a place that is not an approved solid waste site for disposal at the site.

(d) An offense under Subsection (a), (b), or (c) is a Class C misdemeanor if the litter or other solid waste to which the offense applies weighs five pounds or less or has a volume of five gallons or less.

(s) On conviction of an offense under this section, the court shall require the defendant, in addition to any fine or other penalty, to perform community service as provided by Article 42A.304(e), Code of Criminal Procedure.

### **Sec. 365.016. DISPOSAL OF LITTER IN A CAVE; CRIMINAL PENALTY.**

(a) A person commits an offense if the person disposes litter, a dead animal, sewage, or any chemical in a cave.

(b) An offense under this section is a Class C misdemeanor unless:

(1) it is shown on the trial of the defendant that the defendant previously has been convicted once of an offense under this section, in which event the offense is a Class A misdemeanor; or

(2) it is shown on the trial of the defendant that the defendant previously has been convicted two or more times of an offense under this section, in which event the offense is a felony of the third degree.

(c) On conviction of an offense under this section, the court shall require the defendant, in addition to any fine or other penalty, to perform community service as provided by Article 42A.304(e), Code of Criminal Procedure.

### **Sec. 382.018. OUTDOOR BURNING OF WASTE AND COMBUSTIBLE MATERIAL.**

(a) Subject to Section 352.082, Local Government Code, and except as provided by Subsections (b) and (d), the commission by rule may control and prohibit the outdoor burning of waste and combustible material and may include requirements concerning the particular method to be used to control or abate the emission of air contaminants resulting from that burning.

(f) If conduct that violates a rule adopted under this section also violates a municipal ordinance, that conduct may be prosecuted only under the municipal ordinance, provided that:

- (1) the violation is not a second or subsequent violation of a rule adopted under this section or a municipal ordinance; and
- (2) the violation does not involve the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes.
- (g) Notwithstanding Section 7.002, Water Code, the provisions of this section and rules adopted under this section may be enforced by a peace officer as described by Article 2.12, Code of Criminal Procedure.
- (B) appears in contrasting colors with block letters at least one inch in height; and
- (C) is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.
- (b) A state hospital may prohibit a license holder from carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code, on the property of the hospital by providing written notice.
- (c) A license holder who carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, on the property of a state hospital at which written notice is provided is liable for a civil penalty in the amount of:

**Sec. 552.002. CARRYING OF HANDGUN BY LICENSE HOLDER IN STATE HOSPITAL.**

- (a) In this section:
  - (1) "License holder" has the meaning assigned by Section 46.035(f), Penal Code.
  - (2) "State hospital" means the following facilities:
    - (A) the Austin State Hospital;
    - (B) the Big Spring State Hospital;
    - (C) the El Paso Psychiatric Center;
    - (D) the Kerrville State Hospital;
    - (E) the North Texas State Hospital;
    - (F) the Rio Grande State Center;
    - (G) the Rusk State Hospital;
    - (H) the San Antonio State Hospital;
    - (I) the Terrell State Hospital; and
    - (J) the Waco Center for Youth.
  - (3) "Written notice" means a sign that is posted on property and that:
    - (A) includes in both English and Spanish written language identical to the following: "Pursuant to Section 552.002, Health and Safety Code (carrying of handgun by license holder in state hospital), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun";

- (1) \$100 for the first violation; or
- (2) \$500 for the second or subsequent violation.
- (d) The attorney general or an appropriate prosecuting attorney may sue to collect a civil penalty under this section.

**Sec. 573.0001. DEFINITIONS.**

In this chapter:

- (1) "Emergency medical services personnel" and "emergency medical services provider" have the meanings assigned by Section 773.003.
- (2) "Law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure.

**Sec. 573.001. APPREHENSION BY PEACE OFFICER WITHOUT WARRANT.**

- (a) Subject to Section 352.082, Local Government Code, and except as provided by Subsections (b) and (d), the commission by rule may control and prohibit the outdoor burning of waste and combustible material and may include requirements concerning the particular method to be used to control or abate the emission of air contaminants resulting from that burning.
- (d) A peace officer who takes a person into

custody under Subsection (a) shall immediately:

(1) transport the apprehended person to:

(A) ~~[(1)]~~ the nearest appropriate inpatient mental health facility; or

(B) ~~[(2)]~~ a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available; or

(2) transfer the apprehended person to emergency medical services personnel of an emergency medical services provider in accordance with a memorandum of understanding executed under Section 573.005 for transport to a facility described by Subdivision (1)(A) or (B).

**Sec. 573.002. PEACE OFFICER'S NOTIFICATION OF DETENTION.**

(a) A peace officer shall immediately file with a facility a notification of detention after transporting a person to that facility in accordance with Section 573.001. Emergency medical services personnel of an emergency medical services provider who transport a person to a facility at the request of a peace officer made in accordance with a memorandum of understanding executed under Section 573.005 shall immediately file with the facility the notification of detention completed by the peace officer who made the request.

(d) The peace officer shall provide ~~give~~ the notification of detention on the following form:

*See next page →*



## Legislative Update: 85th Regular Session (2017)

Notification--Emergency Detention

NO. \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

THE STATE OF TEXAS

FOR THE BEST INTEREST AND PROTECTION OF:

### NOTIFICATION OF EMERGENCY DETENTION

Now comes \_\_\_\_\_, a peace officer with (name of agency) \_\_\_\_\_, of the State of Texas, and states as follows:

1. I have reason to believe and do believe that (name of person to be detained) \_\_\_\_\_ evidences mental illness.
2. I have reason to believe and do believe that the above-named person evidences a substantial risk of serious harm to himself/herself or others based upon the following:

3. I have reason to believe and do believe that the above risk of harm is imminent unless the above-named person is immediately restrained.
4. My beliefs are based upon the following recent behavior, overt acts, attempts, statements, or threats observed by me or reliably reported to me:

5. The names, addresses, and relationship to the above-named person of those persons who reported or observed recent behavior, acts, attempts, statements, or threats of the above-named person are (if applicable):

For the above reasons, I present this notification to seek temporary admission to the (name of facility) \_\_\_\_\_ inpatient mental health facility or hospital facility for the detention of (name of person to be detained) \_\_\_\_\_ on an emergency basis.

6. Was the person restrained in any way? Yes ☐ No ☐

BADGE NO. \_\_\_\_\_

PEACE OFFICER'S SIGNATURE

Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

SIGNATURE OF EMERGENCY MEDICAL SERVICES PERSONNEL (if applicable)

Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

A mental health facility or hospital emergency department may not require a peace officer or emergency medical services personnel to execute any form other than this form as a predicate to accepting for temporary admission a person detained by a peace officer under Section 573.001, [Texas] Health and Safety Code, and transported by the officer under that section or by emergency medical services personnel of an emergency medical services provider at the request of the officer made in accordance with a memorandum of understanding executed under Section 573.005, Health and Safety Code.

(e) A mental health facility or hospital emergency department may not require a peace officer or emergency medical services personnel to execute any form other than the form provided by Subsection (d) as a predicate to accepting for temporary admission a person detained by a peace officer under Section 573.001 and transported by the officer under that section or by emergency medical services personnel of an emergency medical services provider at the request of the officer made in accordance with a memorandum of understanding executed under Section 573.005.

**Sec. 573.005. TRANSPORTATION FOR EMERGENCY DETENTION BY EMERGENCY MEDICAL SERVICES PROVIDER; MEMORANDUM OF UNDERSTANDING. Effective 6/9/2017.**

(a) A law enforcement agency and an emergency medical services provider may execute a memorandum of understanding under which emergency medical services personnel employed by the provider may transport a person taken into custody under Section 573.001 by a peace officer employed by the law enforcement agency.

(b) A memorandum of understanding must:

(1) address responsibility for the cost of transporting the person taken into custody; and

(2) be approved by the county in which the law enforcement agency is located and the local mental health authority that provides services in that county with respect to provisions of the memorandum that address the responsibility for the cost of transporting the person.

(c) A peace officer may request that emergency medical services personnel transport a person taken into custody by the officer under Section 573.001 only if:

(1) the law enforcement agency that employs the officer and the emergency medical services provider that employs the personnel have executed a

memorandum of understanding under this section; and

(2) the officer determines that transferring the person for transport is safe for both the person and the personnel.

(d) Emergency medical services personnel may, at the request of a peace officer, transport a person taken into custody by the officer under Section 573.001 to the appropriate facility, as provided by that section, if the law enforcement agency that employs the officer and the emergency medical services provider that employs the personnel have executed a memorandum of understanding under this section.

(e) A peace officer who transfers a person to emergency medical services personnel under a memorandum of understanding executed under this section for transport to the appropriate facility must provide:

(1) to the person the notice described by Section 573.001(g); and

(2) to the personnel a completed notification of detention about the person on the form provided by Section 573.002(d).

**Sec. 573.021. PRELIMINARY EXAMINATION.**

(a) A facility shall temporarily accept a person for whom an application for detention is filed or for whom a peace officer or emergency medical services personnel of an emergency medical services provider transporting the person in accordance with a memorandum of understanding executed under Section 573.005 files a notification of detention completed by the peace officer under Section 573.002(a).

**Sec. 574.034. ORDER FOR TEMPORARY MENTAL HEALTH SERVICES.**

(g) An order for temporary inpatient or outpatient mental health services shall state that treatment is authorized for not longer than 45 [90] days, except that the order may specify a period not to exceed 90 days if the judge finds that the longer period is

necessary. ~~[The order may not specify a shorter period.]~~

**Sec. 614.0032. SPECIAL DUTIES RELATED TO MEDICALLY RECOMMENDED SUPERVISION; DETERMINATIONS REGARDING COMPETENCY OR FITNESS TO PROCEED.**

(b) The office shall[:

~~[(1) with the special assistance of committee members appointed under Section 614.002(b)(1):~~

~~[(A) review examinations to determine the competency of defendants in criminal cases to stand trial and examinations to determine the fitness of children to proceed with respect to adjudications of delinquent conduct or conduct indicating a need for supervision; and~~

~~[(B) periodically report to the legislature and the court of criminal appeals findings made as a result of the review described by Paragraph (A); and~~

~~[(2)] approve and make generally available in electronic format a standard form for use by experts in reporting competency examination results under Chapter 46B, Code of Criminal Procedure.~~

~~(c) A district or juvenile court shall submit to the office on a monthly basis all reports based on examinations described by Subsection (b).~~

**CHAPTER 697. DISPOSITION OF EMBRYONIC AND FETAL TISSUE REMAINS**

**Sec. 697.001. PURPOSE.**

The purpose of this chapter is to express the state's profound respect for the life of the unborn by providing for a dignified disposition of embryonic and fetal tissue remains.

**Sec. 697.002. DEFINITIONS.**

In this chapter:

(1) "Cremation" means the irreversible process of reducing remains to bone fragments through direct flame, extreme heat, and evaporation.

(2) "Department" means the Department of State Health Services.

(3) "Embryonic and fetal tissue remains" means an embryo, a fetus, body parts, or organs from a pregnancy that terminates in the death of the embryo or fetus and for which the issuance of a fetal death certificate is not required by state law. The term does not include the umbilical cord, placenta, gestational sac, blood, or body fluids.

(4) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(5) "Incineration" means the process of burning remains in an incinerator.

(6) "Interment" means the disposition of remains by entombment, burial, or placement in a niche.

(7) "Steam disinfection" means the act of subjecting remains to steam under pressure to disinfect the remains.

**Sec. 697.003. APPLICABILITY OF OTHER LAW.**

Embryonic and fetal tissue remains are not pathological waste under state law. Unless otherwise provided by this chapter, Chapters 711 and 716 of this code and Chapter 651, Occupations Code, do not apply to the disposition of embryonic and fetal tissue remains.

**Sec. 697.004. DISPOSITION OF EMBRYONIC AND FETAL TISSUE REMAINS.**

(a) Subject to Section 241.010, a health care facility in this state that provides health or medical care to a pregnant woman shall dispose of embryonic and fetal tissue

remains that are passed or delivered at the facility by:

(1) interment;

(2) cremation;

(3) incineration followed by interment; or

(4) steam disinfection followed by interment.

(b) The ashes resulting from the cremation or incineration of embryonic and fetal tissue remains:

(1) may be interred or scattered in any manner as authorized by law for human remains; and

(2) may not be placed in a landfill.

(c) A health care facility responsible for disposing of embryonic and fetal tissue remains may coordinate with an entity in the registry established under Section 697.005 in an effort to offset the cost associated with burial or cremation of the embryonic and fetal tissue remains of an unborn child.

(d) Notwithstanding any other law, the umbilical cord, placenta, gestational sac, blood, or body fluids from a pregnancy terminating in the death of the embryo or fetus for which the issuance of a fetal death certificate is not required by state law may be disposed of in the same manner as and with the embryonic and fetal tissue remains from that same pregnancy as authorized by this chapter.

#### **Sec. 697.005. BURIAL OR CREMATION ASSISTANCE REGISTRY.**

The department shall:

(1) establish and maintain a registry of:

(A) participating funeral homes and cemeteries willing to provide free common burial or low-cost private burial; and

(B) private nonprofit organizations that register with the department to provide financial assistance for the costs associated with burial or cremation of the embryonic and fetal tissue remains of an unborn child; and

(2) make the registry information available on request to a physician, health care facility, or agent of a physician or health care facility.

#### **Sec. 697.006. ETHICAL FETAL REMAINS GRANT PROGRAM.**

The department shall develop a grant program that uses private donations to provide financial assistance for the costs associated with disposing of embryonic and fetal tissue remains.

#### **Sec. 697.007. SUSPENSION OR REVOCATION OF LICENSE.**

The department may suspend or revoke the license of a health care facility that violates this chapter or a rule adopted under this chapter.

#### **Sec. 697.008. CIVIL PENALTY.**

(a) A person that violates this chapter or a rule adopted under this chapter is liable for a civil penalty in an amount of \$1,000 for each violation.

(b) The attorney general, at the request of the department, may sue to collect the civil penalty. The attorney general may recover reasonable expenses incurred in collecting the civil penalty, including court costs, reasonable attorney's fees, investigation costs, witness fees, and disposition expenses.

#### **Sec. 697.009. RULES.**

The executive commissioner shall adopt rules to implement this chapter.

#### **Sec. 711.001. DEFINITIONS.**

In this chapter:

(1) "Abandoned cemetery" means a cemetery, regardless of whether it appears on a map or in deed records, that is not owned or operated by a cemetery organization, does not have another

person legally responsible for its care, and is not maintained by any person.

(34) ~~[(28)]~~ "Remains" means either human remains or cremated remains.

(35) "Unidentified grave" means a grave that is not marked in a manner that provides the identity of the interment.

(36) "Unknown cemetery" means an abandoned cemetery evidenced by the presence of marked or unmarked graves that does not appear on a map or in deed records.

(37) "Unmarked grave" means the immediate area where one or more human interments are found that:

(A) is not in a recognized and maintained cemetery;

(B) is not owned or operated by a cemetery organization;

(C) is not marked by a tomb, monument, gravestone, or other structure or thing placed or designated as a memorial of the dead; or

(D) is located on land designated as agricultural, timber, recreational, park, or scenic land under Chapter 23, Tax Code.

(38) "Unverified cemetery" means a location having some evidence of interment but in which the presence of one or more unmarked graves has not been verified by a person described by Section 711.0105(a) or by the Texas Historical Commission.

#### **Sec. 711.004. REMOVAL OF REMAINS.**

(f-1) For unmarked graves contained within an abandoned, unknown, or unverified cemetery, a justice of the peace acting as coroner or medical examiner under Chapter 49, Code of Criminal Procedure, or a person described by Section 711.0105(a) may investigate or remove remains without written order of the state registrar or the state registrar's designee.

#### **Sec. 711.010. ~~ABANDONED, UNKNOWN, OR UNVERIFIED~~ ~~[ABANDONED]~~ CEMETERY.**

(a) The owner of property on which an unknown cemetery is discovered or on which an abandoned cemetery is located may not construct improvements on the property in a manner that would ~~[further]~~ disturb the cemetery until the human remains interred in the cemetery are removed under a written order issued by the state registrar or the state registrar's designee under Section 711.004(f) and under an order of a district court as provided by this section, except as provided by Section 711.004(f-1).

(b) On petition of the owner of the property, a district court of the county in which an unknown cemetery is discovered or an abandoned cemetery is located may order the removal of any dedication for cemetery purposes that affects the property if the court finds that the removal of the dedication is in the public interest. If a court orders the removal of a dedication of a cemetery and all human remains in that cemetery ~~[on the property]~~ have not previously been removed, the court shall order the removal of the human remains from the cemetery to a perpetual care cemetery or a municipal or county cemetery.

(d) The Texas Historical Commission, with consent of the landowner, may investigate a suspected but unverified cemetery or may delegate the investigation to a qualified person described by Section 711.0105(a).

#### **Sec. 711.011. FILING RECORD OF UNKNOWN OR ABANDONED CEMETERY.**

(a) A person who discovers an unknown or abandoned cemetery shall file notice of the discovery of the cemetery with the county clerk of the county in which the cemetery is located and concurrently mail notice to the landowner on record in the county appraisal district not later than the 10th day after the date of the discovery. The notice must contain a legal description of the land on which the unknown or abandoned cemetery was found and describe the approximate

location of the cemetery and the evidence of the cemetery that was discovered.

**Sec. 711.0111. NOTICE OF UNVERIFIED CEMETERY.**

- (a) A person who discovers an unverified cemetery shall file notice and evidence of the discovery with the Texas Historical Commission on a form provided by the Texas Historical Commission, and shall concurrently provide a copy of the notice to the landowner on record in the county appraisal district on whose land the unverified cemetery is located.
- (b) The landowner described by Subsection (a) may send a response or comments to the Texas Historical Commission concerning the notice not later than the 30th day after the date the notice is filed.
- (c) The Texas Historical Commission shall evaluate the notice of the unverified cemetery, the evidence submitted with the notice, and the response of the landowner, if any, and shall determine whether there is sufficient evidence of the existence of a cemetery.
- (d) If the Texas Historical Commission determines sufficient evidence supports the existence of a cemetery, the Texas Historical Commission shall inform the landowner and may file notice of the existence of the cemetery under Section 711.011.
- (e) If the Texas Historical Commission determines sufficient evidence supports a determination that a cemetery does not exist, the Texas Historical Commission shall notify the landowner on record in the appraisal district of its determination, amend the notice to include the commission's determination, and ensure any notice filed with a county clerk under Section 711.011 is corrected.

**Sec. 711.041. ACCESS TO CEMETERY.**

- (d) This section does not apply to an unverified cemetery.

**Sec. 712.0441. ENFORCEMENT.**

- (f-1) The commissioner may issue an order requiring restitution by a person if, after notice and opportunity for a hearing held in accordance with the procedures for a contested case hearing under Chapter 2001, Government Code, the commissioner finds that the corporation has not ordered memorials, as defined by Section 711.001 [711.001(20-a)], in compliance with the deadlines established by rules adopted under this chapter.

**Sec. 773.017. USE OF CERTAIN EXTERNAL MOTOR VEHICLE MARKINGS OR FEATURES PROHIBITED; CRIMINAL OFFENSE.**

- (a) A person may not operate a motor vehicle in this state that resembles an emergency medical services vehicle unless the person uses the motor vehicle:
  - (1) as an emergency medical services vehicle under this chapter; or
  - (2) for other legitimate governmental functions, including police or firefighting services.
- (b) A motor vehicle resembles an emergency medical services vehicle if the motor vehicle has on the exterior of the motor vehicle any of the following markings or features:
  - (1) the word "ambulance" or a derivation of that word;
  - (2) a star of life as trademarked by the National Highway Traffic Safety Administration;
  - (3) a Maltese cross commonly used by fire departments;
  - (4) forward-facing flashing red, white, or blue lights;
  - (5) a siren;
  - (6) the words "critical care transport," "emergency," "emergency medical services," or "mobile intensive care unit";  
or
  - (7) the acronym "EMS" or "MICU".

(c) A person commits an offense if the person violates this section. An offense under this subsection is a Class C misdemeanor.

(d) This section does not apply to a motor vehicle bearing a license plate issued or approved under Section 504.501 or 504.502, Transportation Code.

**Sec. 821.023. HEARING; ORDER OF DISPOSITION OR RETURN OF ANIMAL.**

(a-1) A finding in a court of competent jurisdiction that a person is guilty of an offense under Section 21.09, Penal Code, is prima facie evidence at a hearing authorized by Section 821.022 that any animal in the person's possession has been cruelly treated, regardless of whether the animal was subjected to conduct prohibited by Section 21.09, Penal Code.

(b) A statement of an owner made at a hearing provided for under this subchapter is not admissible in a trial of the owner for an offense under Section 42.09 or 42.092, Penal Code.

reported to or investigated by a medical examiner or justice of the peace under Chapter 49, Code of Criminal Procedure; and

(3) correctly completing the death certificate of a person whose death was related to pregnancy.

(c) The executive commissioner shall adopt rules as necessary to implement this section.

**SUBCHAPTER J. MATERNAL MORTALITY REPORTING AND INVESTIGATION INFORMATION**

**Sec. 1001.241. MATERNAL MORTALITY REPORTING AND INVESTIGATION INFORMATION.**

(a) The department shall post on the department's Internet website information regarding the systematic protocol for pregnancy-related death investigations and the best practices for reporting pregnancy-related deaths to the medical examiner or justice of the peace of each county, as applicable.

(b) The information provided under Subsection (a) must include guidelines for:

(1) determining when a comprehensive toxicology screening should be performed on a person whose death was related to pregnancy;

(2) determining when a death should be

## HUMAN RESOURCES CODE

Section	Bill Modifying
121.004	HB 1463
121.0041	HB 1463



# HUMAN RESOURCES CODE

## **Sec. 121.004. PENALTIES FOR AND DAMAGES RESULTING FROM DISCRIMINATION.**

(a) A person, including a firm, association, corporation, or other public or private organization, or the agent of the person, who violates a provision of Section 121.003 commits an offense. An offense under this subsection is a misdemeanor punishable by:

- (1) a fine of not more than \$300; and
- (2) 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year.

(b) In addition to the penalty provided in Subsection (a), a person, including a firm, association, corporation, or other public or private organization, or the agent of the person, who violates the provisions of Section 121.003 is deemed to have deprived a person with a disability of his or her civil liberties. Subject to Section 121.0041, if applicable, the [The] person with a disability deprived of his or her civil liberties may maintain an [a cause of] action for damages in a court of competent jurisdiction, and there is a conclusive presumption of damages in the amount of at least \$300 to the person with a disability.

## **Sec. 121.0041. PROCEDURES FOR CERTAIN ACTIONS; OPPORTUNITY TO CURE.**

(a) In this section:

(1) "Claimant" means a person filing or intending to file an action under Section 121.004(b).

(2) "Respondent" means the person against whom a claimant files or intends to file an action under Section 121.004(b).

(b) This section applies only to an action under Section 121.004(b) alleging a failure to comply with applicable design, construction, technical, or similar standards required under Chapter 469, Government Code, or other applicable state or federal laws that require compliance with specified design, construction, technical, or similar standards, including Internet website accessibility guidelines, to accommodate persons with disabilities.

(c) Not later than the 60th day before the date an action to which this section applies is filed, the claimant must give written notice of the claim to the respondent. The notice may be given in a manner prescribed for service of process in a civil action. The written notice:

(1) must state:

(A) the name of the individual alleging a failure to comply with applicable design, construction, technical, or similar standards;

(B) in reasonable detail, each alleged violation; and

(C) the date, place, and manner in which the claimant discovered the alleged violation; and

(2) may not demand a sum of damages, request settlement, or offer to settle the claim without a determination of whether a condition stated in the notice is excused by law or may be remedied.

(d) A respondent who has received a written notice under Subsection (c) may correct the alleged violation before the earliest date on which the claimant may file the action.

- (e) A respondent who has corrected an alleged violation shall provide a notice of the correction to the claimant that describes each correction and the manner in which the correction addresses the alleged violation. If the respondent concludes that an alleged violation has not occurred and that a correction is not necessary, the respondent shall provide the claimant an explanation of the respondent's conclusion. The notice of correction or explanation may be given in a manner prescribed for service of process in a civil action.
- (f) If a claimant files an action to which this section applies, the claimant must establish by a preponderance of the evidence that the respondent has not corrected one or more of the alleged violations stated in the written notice provided under Subsection (c).
- (g) If an action is filed, the respondent may file a plea in abatement and request an evidentiary hearing on the plea. The court shall abate the action for a period not to exceed 60 days after the date of the hearing if the court finds by a preponderance of the evidence that:
- (1) the respondent initiated action to correct the alleged violation during the time allowed under Subsection (d);
  - (2) the respondent could not complete the corrections within that time; and
  - (3) the corrections will be completed by the end of the period of abatement.
- (h) If a respondent has provided the notice of correction or has completed corrections during a period of abatement under Subsection (g):
- (1) the claimant may file a motion to dismiss the action without prejudice; or
  - (2) the respondent may file a motion for summary judgment in accordance with the Texas Rules of Civil Procedure.

## INSURANCE CODE

Section	Bill Modifying
541.156	HB 1774
542.060	HB 1774
542A.001	HB 1774
542A.002	HB 1774
542A.003	HB 1774
542A.004	HB 1774
542A.005	HB 1774
542A.006	HB 1774
542A.007	HB 1774

# INSURANCE CODE

## **Sec. 541.156. SETTLEMENT OFFER.**

- (a) A person who receives notice provided under Section 541.154 or 542A.003 may make a settlement offer during a period beginning on the date notice under Section 541.154 or 542A.003 is received and ending on the 60th day after that date.

## **Sec. 542.060. LIABILITY FOR VIOLATION OF SUBCHAPTER.**

- (a) Except as provided by Subsection (c), if [H] an insurer that is liable for a claim under an insurance policy is not in compliance with this subchapter, the insurer is liable to pay the holder of the policy or the beneficiary making the claim under the policy, in addition to the amount of the claim, interest on the amount of the claim at the rate of 18 percent a year as damages, together with reasonable and necessary attorney's fees. Nothing in this subsection prevents the award of prejudgment interest on the amount of the claim, as provided by law.
- (c) In an action to which Chapter 542A applies, if an insurer that is liable for a claim under an insurance policy is not in compliance with this subchapter, the insurer is liable to pay the holder of the policy, in addition to the amount of the claim, simple interest on the amount of the claim as damages each year at the rate determined on the date of judgment by adding five percent to the interest rate determined under Section 304.003, Finance Code, together with reasonable and necessary attorney's fees. Nothing in this subsection prevents the award of prejudgment interest on the amount of the claim, as provided by law. Interest awarded under this subsection as damages accrues beginning on the date the claim was required to be paid.

## **CHAPTER 542A. CERTAIN CONSUMER ACTIONS RELATED TO CLAIMS FOR PROPERTY DAMAGE**

### **Sec. 542A.001. DEFINITIONS.**

In this chapter:

- (1) "Agent" means an employee, agent, representative, or adjuster who performs any act on behalf of an insurer.
- (2) "Claim" means a first-party claim that:
- (A) is made by an insured under an insurance policy providing coverage for real property or improvements to real property;
  - (B) must be paid by the insurer directly to the insured; and
  - (C) arises from damage to or loss of covered property caused, wholly or partly, by forces of nature, including an earthquake or earth tremor, a wildfire, a flood, a tornado, lightning, a hurricane, hail, wind, a snowstorm, or a rainstorm.
- (3) "Claimant" means a person making a claim.
- (4) "Insurer" means a corporation, association, partnership, or individual, other than the Texas Windstorm Insurance Association, engaged as a principal in the business of insurance and authorized or eligible to write property insurance in this state, including:
- (A) an insurance company;
  - (B) a reciprocal or interinsurance exchange;
  - (C) a mutual insurance company;
  - (D) a capital stock insurance company;
  - (E) a county mutual insurance company;
  - (F) a farm mutual insurance company;
  - (G) a Lloyd's plan;
  - (H) an eligible surplus lines insurer; or
  - (I) the FAIR Plan Association, unless a claim-related dispute resolution procedure is available to policyholders under Chapter 2211.

(5) "Person" means a corporation, association, partnership, or other legal entity or individual.

**Sec. 542A.002. APPLICABILITY OF CHAPTER.**

(a) Except as provided by Subsection (b), this chapter applies to an action on a claim against an insurer or agent, including:

(1) an action alleging a breach of contract;

(2) an action alleging negligence, misrepresentation, fraud, or breach of a common law duty; or

(3) an action brought under:

(A) Subchapter D, Chapter 541;

(B) Subchapter B, Chapter 542; or

(C) Subchapter E, Chapter 17, Business & Commerce Code.

(b) This chapter does not apply to an action against the Texas Windstorm Insurance Association or to an action relating to or arising from a policy ceded to an insurer by the Texas Windstorm Insurance Association under Subchapter O, Chapter 2210. This chapter applies to an action that relates to or arises from a policy renewed under Section 2210.703.

**Sec. 542A.003. NOTICE REQUIRED.**

(a) In addition to any other notice required by law or the applicable insurance policy, not later than the 61st day before the date a claimant files an action to which this chapter applies in which the claimant seeks damages from any person, the claimant must give written notice to the person in accordance with this section as a prerequisite to filing the action.

(b) The notice required under this section must provide:

(1) a statement of the acts or omissions giving rise to the claim;

(2) the specific amount alleged to be owed by the insurer on the claim for damage to or loss of covered property; and

(3) the amount of reasonable and necessary attorney's fees incurred by the claimant, calculated by multiplying the number of hours actually worked by the claimant's attorney, as of the date the notice is given and as reflected in contemporaneously kept time records, by an hourly rate that is customary for similar legal services.

(c) If an attorney or other representative gives the notice required under this section on behalf of a claimant, the attorney or representative shall:

(1) provide a copy of the notice to the claimant; and

(2) include in the notice a statement that a copy of the notice was provided to the claimant.

(d) A presuit notice under Subsection (a) is not required if giving notice is impracticable because:

(1) the claimant has a reasonable basis for believing there is insufficient time to give the presuit notice before the limitations period will expire; or

(2) the action is asserted as a counterclaim.

(e) To ensure that a claimant is not prejudiced by having given the presuit notice required by this chapter, a court shall dismiss without prejudice an action relating to the claim for which notice is given by the claimant and commenced:

(1) before the 61st day after the date the claimant provides presuit notice under Subsection (a);

(2) by a person to whom presuit notice is given under Subsection (a); and

(3) against the claimant giving the notice.

(f) A claimant who gives notice in accordance with this chapter is not relieved of the obligation to give notice under any other applicable law. Notice given under this chapter may be combined with notice given under any other law.

(g) Notice given under this chapter is admissible in evidence in a civil action or alternative dispute resolution proceeding relating to the claim for which the notice is

given.

(h) The giving of a notice under this chapter does not provide a basis for limiting the evidence of attorney's fees, damage, or loss a claimant may offer at trial.

**Sec. 542A.004. INSPECTION.**

Not later than the 30th day after receiving a presuit notice given under Section 542A.003(a), a person to whom notice is given may send a written request to the claimant to inspect, photograph, or evaluate, in a reasonable manner and at a reasonable time, the property that is the subject of the claim. If reasonably possible, the inspection, photography, and evaluation must be completed not later than the 60th day after the date the person receives the presuit notice.

**Sec. 542A.005. ABATEMENT.**

(a) In addition to taking any other act allowed by contract or by any other law, a person against whom an action to which this chapter applies is pending may file a plea in abatement not later than the 30th day after the date the person files an original answer in the court in which the action is pending if the person:

- (1) did not receive a presuit notice complying with Section 542A.003; or
- (2) requested under Section 542A.004 but was not provided a reasonable opportunity to inspect, photograph, or evaluate the property that is the subject of the claim.

(b) The court shall abate the action if the court finds that the person filing the plea in abatement:

- (1) did not, for any reason, receive a presuit notice complying with Section 542A.003; or
- (2) requested under Section 542A.004 but was not provided a reasonable opportunity to inspect, photograph, or evaluate the property that is the subject of the claim.

(c) An action is automatically abated without a

court order beginning on the 11th day after the date a plea in abatement is filed if the plea:

(1) is verified and alleges that the person against whom the action is pending:

(A) did not receive a presuit notice complying with Section 542A.003; or

(B) requested under Section 542A.004 but was not provided a reasonable opportunity to inspect, photograph, or evaluate the property that is the subject of the claim; and

(2) is not controverted by an affidavit filed by the claimant before the 11th day after the date the plea in abatement is filed.

(d) An affidavit described by Subsection (c)(2) controverting whether the person against whom the action is pending received a presuit notice complying with Section 542A.003 must:

- (1) include as an attachment a copy of the document the claimant sent to give notice of the claimant's action; and
- (2) state the date on which the notice was given.

(e) An abatement under this section continues until the later of:

- (1) the 60th day after the date a notice complying with Section 542A.003 is given; or
- (2) the 15th day after the date of the requested inspection, photographing, or evaluating of the property is completed.

(f) If an action is abated under this section, a court may not compel participation in an alternative dispute resolution proceeding until after the abatement period provided by Subsection (e) has expired.

**Sec. 542A.006. ACTION AGAINST AGENT; INSURER ELECTION OF LEGAL RESPONSIBILITY.**

(a) Except as provided by Subsection (h), in an action to which this chapter applies, an insurer that is a party to the action may elect to accept whatever liability an agent might

have to the claimant for the agent's acts or omissions related to the claim by providing written notice to the claimant.

(b) If an insurer makes an election under Subsection (a) before a claimant files an action to which this chapter applies, no cause of action exists against the agent related to the claimant's claim, and, if the claimant files an action against the agent, the court shall dismiss that action with prejudice.

(c) If a claimant files an action to which this chapter applies against an agent and the insurer thereafter makes an election under Subsection (a) with respect to the agent, the court shall dismiss the action against the agent with prejudice.

(d) If an insurer makes an election under Subsection (a) but, after having been served with a notice of intent to take a deposition of the agent who is the subject of the election, fails to make that agent available at a reasonable time and place to give deposition testimony, Sections 542A.007(a), (b), and (c) do not apply to the action with respect to which the insurer made the election unless the court finds that:

(1) it is impracticable for the insurer to make the agent available due to a change in circumstances arising after the insurer made the election under Subsection (a);

(2) the agent whose liability was assumed would not have been a proper party to the action; or

(3) obtaining the agent's deposition testimony is not warranted under the law.

(e) An insurer's election under Subsection (a) is ineffective to obtain the dismissal of an action against an agent if the insurer's election is conditioned in a way that will result in the insurer avoiding liability for any claim-related damage caused to the claimant by the agent's acts or omissions.

(f) An insurer may not revoke, and a court may not nullify, an insurer's election under Subsection (a).

(g) If an insurer makes an election under

Subsection (a) and the agent is not a party to the action, evidence of the agent's acts or omissions may be offered at trial and, if supported by sufficient evidence, the trier of fact may be asked to resolve fact issues as if the agent were a defendant, and a judgment against the insurer must include any liability that would have been assessed against the agent. To the extent there is a conflict between this subsection and Chapter 33, Civil Practice and Remedies Code, this subsection prevails.

(h) If an insurer is in receivership at the time the claimant commences an action against the insurer, the insurer may not make an election under Subsection (a), and the court shall disregard any prior election made by the insurer relating to the claimant's claim.

(i) In an action tried by a jury, an insurer's election under Subsection (a) may not be made known to the jury.

#### **Sec. 542A.007. AWARD OF ATTORNEY'S FEES.**

(a) Except as otherwise provided by this section, the amount of attorney's fees that may be awarded to a claimant in an action to which this chapter applies is the lesser of:

(1) the amount of reasonable and necessary attorney's fees supported at trial by sufficient evidence and determined by the trier of fact to have been incurred by the claimant in bringing the action;

(2) the amount of attorney's fees that may be awarded to the claimant under other applicable law; or

(3) the amount calculated by:

(A) dividing the amount to be awarded in the judgment to the claimant for the claimant's claim under the insurance policy for damage to or loss of covered property by the amount alleged to be owed on the claim for that damage or loss in a notice given under this chapter; and

(B) multiplying the amount calculated under Paragraph (A) by the total amount of reasonable and necessary attorney's fees supported at trial by sufficient evidence and

determined by the trier of fact to have been incurred by the claimant in bringing the action.

(b) Except as provided by Subsection (d), the court shall award to the claimant the full amount of reasonable and necessary attorney's fees supported at trial by sufficient evidence and determined by the trier of fact to have been incurred by the claimant in bringing the action if the amount calculated under Subsection (a)(3)(A) is:

(1) greater than or equal to 0.8;

(2) not limited by this section or another law;  
and

(3) otherwise recoverable under law.

(c) The court may not award attorney's fees to the claimant if the amount calculated under Subsection (a)(3)(A) is less than 0.2.

(d) If a defendant in an action to which this chapter applies pleads and proves that the defendant was entitled to but was not given a presuit notice stating the specific amount alleged to be owed by the insurer under Section 542A.003(b)(2) at least 61 days before the date the action was filed by the claimant, the court may not award to the claimant any attorney's fees incurred after the date the defendant files the pleading with the court. A pleading under this subsection must be filed not later than the 30th day after the date the defendant files an original answer in the court in which the action is pending.



## LABOR CODE

Section	Bill Modifying
408.006	HB 1983
504.019	HB 1983

(2) the preponderance of the evidence indicates that the event was a substantial contributing factor of the disorder.

## LABOR CODE

### **Sec. 408.006. MENTAL TRAUMA INJURIES.**

(b) Notwithstanding Section 504.019, a [A] mental or emotional injury that arises principally from a legitimate personnel action, including a transfer, promotion, demotion, or termination, is not a compensable injury under this subtitle.

### **Sec. 504.019. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER FOR CERTAIN FIRST RESPONDERS.**

(a) In this section:

(1) "First responder" means an individual employed by a political subdivision of this state who is:

(A) a peace officer under Article 2.12, Code of Criminal Procedure;

(B) a person licensed under Chapter 773, Health and Safety Code, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or

(C) a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue.

(2) "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic stress disorder specified by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or a later edition adopted by the commissioner of workers' compensation.

(b) Post-traumatic stress disorder suffered by a first responder is a compensable injury under this subtitle only if it is based on a diagnosis that:

(1) the disorder is caused by an event occurring in the course and scope of the first responder's employment; and

## LOCAL GOVERNMENT CODE

Section	Bill Modifying
87.031	SB 4
133.058	SB 42
133.102	SB 2053
202.001	HB 557
272.006	HB 3223
323.021	SB 1911
323.023	SB 1911
341.904	HB 683

# LOCAL GOVERNMENT CODE

## Sec. 87.031. IMMEDIATE REMOVAL.

(c) For purposes of Subsection (a), "a misdemeanor involving official misconduct" includes a misdemeanor under Section 39.07, Penal Code.

## Sec. 133.058. PORTION OF FEE RETAINED.

(d) A county may not retain a service fee on the collection of a fee:

- (1) for the judicial fund;
- (2) under Article 42A.303 or 42A.653, Code of Criminal Procedure; ~~or~~
- (3) under Section 51.851, Government Code; or
- (4) under Section 51.971, Government Code.

## Sec. 133.102. CONSOLIDATED FEES ON CONVICTION.

(e) The comptroller shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) <del>abused children's counseling</del>	0.0088 percent;
<del>[(2)]</del> crime stoppers assistance	0.2581 percent;
<del>(2)</del> <del>[(3)]</del> breath alcohol testing	0.5507 percent;
<del>(3)</del> <del>[(4)]</del> Bill Blackwood Law Enforcement Management Institute	2.1683 percent;
<del>(4)</del> <del>[(5)]</del> law enforcement officers standards and education	5.0034 percent;
<del>[(6)]</del> <del>comprehensive rehabilitation</del>	<del>9.8218 percent;</del>
<del>(5)</del> <del>[(7)]</del> law enforcement and custodial officer supplemental retirement fund	11.1426 percent;
<del>(6)</del> <del>[(8)]</del> criminal justice planning	12.5537 percent;
<del>(7)</del> <del>[(9)]</del> an account in the state treasury to be used only for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University	1.2090 percent;
<del>(8)</del> <del>[(10)]</del> compensation to victims of crime fund	37.6338 percent;
<del>(9)</del> <del>[(11)]</del> emergency radio infrastructure account	5.5904 percent;
<del>(10)</del> <del>[(12)]</del> judicial and court personnel training fund	4.8362 percent;
<del>(11)</del> <del>[(13)]</del> an account in the state treasury to be used for the establishment and operation of the Correctional Management Institute of Texas and Criminal Justice Center Account	1.2090 percent; and
<del>(12)</del> <del>[(14)]</del> fair defense account	<del>17.8448</del> <del>[8.0143]</del> percent.

See Table A\*

\*Table A

**Sec. 202.001. DESTRUCTION OF RECORDS. Sec. 323.023. LAW LIBRARY FUND.**

(b) The following records may be destroyed without meeting the conditions of Subsection (a):

- (1) records the destruction or obliteration of which is directed by an expunction order issued by a ~~[district]~~ court pursuant to state law; and
- (2) records defined as exempt from scheduling or filing requirements by rules adopted by the commission or listed as exempt in a records retention schedule issued by the commission.

**Sec. 272.006. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE.**

(d) A political subdivision that sells or transfers a marked patrol car or other law enforcement motor vehicle to the public in violation of this section is liable:

- (1) for damages proximately caused by the use of that vehicle during the commission of a crime; and
- (2) to this state for a civil penalty of \$1,000.

(e) The attorney general may bring an action to recover the civil penalty imposed under Subsection (d)(2).

(f) Governmental immunity to suit and from liability is waived and abolished to the extent of liability created by Subsection (d).

**Sec. 323.021. ESTABLISHMENT AND MAINTENANCE.**

(a) The commissioners court of a county by order may establish and maintain a county law library at the county seat or another location determined by the commissioners court.

(c) The commissioners court of a county may establish, maintain, and operate in cooperation with other counties a joint free county law library for the benefit of the cooperating counties in the same manner that a joint county library may be established and operated under Section 323.010.

(b) The clerks of the respective courts shall collect the costs and pay them to the county treasurer, or to any other official who discharges the duties commonly delegated to the county treasurer, for deposit in a fund to be known as the county law library fund. The fund may be used only for:

- (1) establishing the law library after the entry of the order creating it;
- (2) purchasing or leasing library materials, maintaining the library, or acquiring furniture, shelving, or equipment for the library; ~~[or]~~
- (3) purchasing or leasing library materials or acquiring library equipment, including computers, software, and subscriptions to obtain access to electronic research networks for use by judges in the county; or
- (4) establishing and maintaining a self-help center to provide resources to county residents representing themselves in legal matters.

**Sec. 341.904. POSSESSION OR USE OF LAW ENFORCEMENT IDENTIFICATION, INSIGNIA, OR VEHICLE IN A [POPULOUS] MUNICIPALITY.**

(b) A ~~[In a municipality with a population of 4.18 million or more located primarily in a county with a population of 2 million or more;~~ a] person commits an offense if in a municipality the person intentionally or knowingly:

- (1) uses, possesses, or wears:
  - (A) a police identification item of the municipal police department;
  - (B) an item bearing the insignia or design prescribed by the police chief of the municipality for officers and employees of the municipal police department to use while engaged in official activities; or
  - (C) within the municipal police department's jurisdiction, an item that is deceptively similar to a police

identification item of the department;

- (2) uses, within the municipal police department's jurisdiction, the name of the department in connection with an object to create the appearance that the object belongs to or is used by the department; or
- (3) uses, possesses, or operates, within the municipal police department's jurisdiction, a marked patrol vehicle that is deceptively similar to a department patrol vehicle.
- (c) An item or vehicle is deceptively similar to a police identification item or patrol vehicle of a municipal police department if the circumstances under which the object is used could mislead a reasonable person as to the object's identity.
- (d) An offense under this section is a Class B misdemeanor.
- (e) It is an affirmative defense to prosecution under this section that:
  - (1) the object was used or intended to be used exclusively for decorative purposes and:
    - (A) the actor was not engaged in an activity involving police work or security work; or
    - (B) the object was used only in an artistic or dramatic presentation;
  - (2) the actor was engaged in the commercial manufacturing or commercial sales of the items described by Subsection (b);
  - (3) the actor was a licensed peace officer who:
    - (A) was on active duty discharging an official duty for an agency listed under Article 2.12, Code of Criminal Procedure, and acting under the agency's direct supervision; and
    - (B) was not privately employed as or hired on an individual or independent contractor basis as a patrolman, guard, watchman, flagman, or traffic conductor;
  - (4) the police chief consented, after determining that consent would serve law

enforcement interests in the municipality, to the actor's:

- (A) using or possessing a police identification item or other insignia of the municipal police department;
  - (B) using, possessing, or wearing an item or insignia similar to a police identification item or insignia of the municipal police department; or
  - (C) operating a vehicle similar to a patrol vehicle of the municipal police department; or
- (5) the actor prosecuted under this section for wearing a uniform wore a light blue uniform shirt in a municipality that uses a light blue uniform shirt with navy blue pocket flaps and epaulets for its police officers, if the actor's shirt did not have:
    - (A) the contrasting navy blue pocket flaps or epaulets found on the municipal police officers' uniform shirts; and
    - (B) a shoulder emblem similar in shape, color, or design to an emblem found on the municipal police officers' uniform shirts.
  - (f) The attorney general or a municipal attorney, district attorney, or prosecuting attorney performing the duties of district attorney for the district in which a court is located may apply to the district court to enjoin a violation of this section. A district court shall grant an injunction if evidence demonstrates that a violation has occurred or will likely occur.

## OCCUPATIONS CODE

Section	Bill Modifying
953.251	SB 2065
1701.1525	HB 1545
1701.267	SB 42
2303.151	SB 1501 / HB 1247
2308.205	SB 1501 / HB 2065
2308.210	SB 1501
2308.258	SB 1501 / SB 2065
2308.259	SB 1501 / SB 2065

# OCCUPATIONS CODE

## **CHAPTER 953. REGULATION OF FOR- PROFIT LEGAL SERVICE CONTRACT COMPANIES. SUBCHAPTER F. ENFORCEMENT**

### **Sec. 953.251. DECEPTIVE TRADE PRACTICE.**

A violation of this chapter is a deceptive trade practice actionable under Subchapter E, Chapter 17, Business & Commerce Code.

### **Sec. 1701.1525. RULES RELATED TO ACCEPTANCE OF CREDIT HOURS FOR COMPLETION OF CERTAIN HIGH SCHOOL COURSES.**

(a) The commission shall adopt rules that establish a procedure under which credit hours earned for the successful completion of high school courses that directly relate to law enforcement can be counted toward the hours of training required of an applicant for a peace officer license issued under Section 1701.307.

(b) The rules adopted under this section must require that an applicant submit to the commission a high school transcript that indicates the applicant earned an endorsement in the public services category, as described by Section 28.025(c-1), Education Code.

### **Sec. 1701.267. TRAINING PROGRAM FOR COURT SECURITY OFFICERS.**

(a) The commission, in consultation with the Office of Court Administration of the Texas Judicial System, shall develop a model court security curriculum for court security officers, as required by Chapter 158, Government Code, and provide the

curriculum to any training program the commission approves to provide training to court security officers.

(b) The commission shall issue a certificate to each court security officer who completes the training program under this section.

### **Sec. 2303.151. NOTICE TO VEHICLE OWNER OR LIENHOLDER.**

(b-1) The operator of a vehicle storage facility shall send a written notice required under Subsection (b) to an address obtained, by mail or electronically, either:

(1) directly from the governmental entity responsible for maintaining the motor vehicle title and registration database for the state in which the vehicle is registered;  
or

(2) from a private entity authorized by that governmental entity to obtain title, registration, and lienholder information using a single vehicle identification number inquiry submitted through a secure access portal to the governmental entity's motor vehicle records.

(b-2) An address obtained electronically from a governmental entity under Subsection (b-1)(1) must be obtained through the governmental entity's secure access portal.

(f) If the operator of a vehicle storage facility sends a notice required under this section after the time prescribed by Subsection (a) or (b):

(1) the deadline for sending any subsequent notice is determined based on the date notice required by this section is actually sent;

(2) the operator may not begin to charge the daily storage fee authorized under Section 2303.155(b)(3) for the vehicle that is the subject of the notice until 24 hours after the operator sends the notice required under this section; and

(3) the ability of the operator to seek foreclosure of a lien for storage charges on the vehicle that is the subject of the notice is not affected.



**Sec. 2308.205. TOWING OF ~~[STORAGE OF TOWED]~~ VEHICLES TO LICENSED VEHICLE STORAGE FACILITIES OR OTHER LOCATIONS ON PARKING FACILITIES.**

(a) A towing company that makes a nonconsent tow shall tow the vehicle to a vehicle storage facility that is operated by a person who holds a license to operate the facility under Chapter 2303, unless:

(1) the towing company agrees to take the vehicle to a location designated by the vehicle's owner; or

(2) the vehicle is towed under:

(A) rules adopted under Subsection (a-1); or

(B) Section 2308.259(b).

(a-1) The commission shall adopt rules authorizing a towing company that makes a nonconsent tow from a parking facility to tow the vehicle to another location on the same parking facility under the direction of:

(1) the parking facility owner;

(2) a parking facility authorized agent; or

(3) a peace officer.

**Sec. 2308.210. ROADWAY CLEARANCE PROGRAM IN CERTAIN COUNTIES; OFFENSE.**

(a) In this section, "freeway" has the meaning assigned by Section 541.302, Transportation Code.

(b) The commissioners court of a county adjacent to a county with a population of more than 3.3 million by order may establish a program:

(1) for maintaining the safe movement of traffic on county freeways; and

(2) under which a peace officer designated by the sheriff's office or the commissioners court is authorized to direct, at the scene of an incident or remotely, a towing company, only for the purpose of the program, to:

(A) remove from a freeway, including the shoulder of a freeway, a vehicle that is impeding the safe movement of traffic; and

(B) relocate the vehicle to the closest safe location for the vehicle to be stored.

(c) An order under Subsection (b) must ensure the protection of the public and the safe and efficient operation of towing and storage services in the county.

(d) The commissioners court of a county operating a program under this section:

(1) may enter into an agreement with a federal agency, state agency, municipality, adjacent county, metropolitan rapid transit authority, or regional planning organization or any other governmental entity for the purpose of carrying out the program; and

(2) may apply for grants and other funding to carry out the program.

(e) A towing company or towing operator commits an offense if the company or operator violates a provision of an order establishing a program under this section relating to:

(1) the presence of a tow truck at the scene of an incident on a freeway or other area under the jurisdiction of the program; or

(2) the offering of towing or related services on a freeway or other area under the jurisdiction of the program.

(f) An offense under Subsection (e) is a misdemeanor punishable by a fine of not less than \$1 or more than \$200.

**Sec. 2308.258. BOOT REMOVAL.**

(a) A booting company responsible for the installation of a boot on a vehicle shall remove the boot not later than one hour after the time the owner or operator of the vehicle contacts the company to request removal of the boot.

(b) A booting company shall waive the amount of the fee for removal of a boot, excluding any associated parking fees, if the company

fails to have the boot removed within the time prescribed by Subsection (a).

(c) A booting company responsible for the installation of more than one boot on a vehicle may not charge a total amount for the removal of the boots that is greater than the amount of the fee for the removal of a single boot.

**Sec. 2308.259. TOWING COMPANY'S AUTHORITY TO TOW VEHICLE FROM UNIVERSITY PARKING FACILITY.**

(a) In this section:

(1) "Special event" means a university-sanctioned, on-campus activity, including parking lot maintenance.

(2) "University" means:

(A) a public senior college or university, as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education, as defined by Section 61.003, Education Code.

(b) Subject to Subsection (c), an individual designated by a university may, to facilitate a special event, request that a vehicle parked at a university parking facility be towed to another location on the university campus.

(c) A vehicle may not be towed under Subsection (b) unless signs complying with this section are installed on the parking facility for the 72 hours preceding towing enforcement for the special event and for 48 hours after the conclusion of the special event.

(d) Each sign required under Subsection (c) must:

(1) contain:

(A) a statement of:

(i) the nature of the special event; and

(ii) the dates and hours of towing enforcement; and

(B) the number, including the area code, of a telephone that is answered 24

hours a day to identify the location of a towed vehicle;

(2) face and be conspicuously visible to the driver of a vehicle that enters the facility;

(3) be located:

(A) on the right or left side of each driveway or curb-cut through which a vehicle can enter the facility, including an entry from an alley abutting the facility; or

(B) at intervals along the entrance so that no entrance is farther than 25 feet from a sign if:

(i) curbs, access barriers, landscaping, or driveways do not establish definite vehicle entrances onto a parking facility from a public roadway other than an alley; and

(ii) the width of an entrance exceeds 35 feet;

(4) be made of weather-resistant material;

(5) be at least 18 inches wide and 24 inches tall;

(6) be mounted on a pole, post, wall, or free-standing board; and

(7) be installed so that the bottom edge of the sign is no lower than two feet and no higher than six feet above ground level.

(e) If a vehicle is towed under Subsection (b), personnel must be available to:

(1) release the vehicle within two hours after a request for release of the vehicle; and

(2) accept any payment required for the release of the vehicle.

(f) A university may not charge a fee for a tow under Subsection (b) that exceeds 75 percent of the private property tow fee established under Section 2308.0575.

(g) A vehicle towed under Subsection (b) that is not claimed by the vehicle owner or operator within 48 hours after the conclusion of the special event may only be towed:

(1) without further expense to the vehicle owner or operator; and

(2) to another location on the university campus.

(h) The university must notify the owner or operator of a vehicle towed under Subsection (b) of the right of the vehicle owner or operator to a hearing under Subchapter J.

## PARKS & WILDLIFE CODE

Section	Bill Modifying
62.014	HB 2009
76.0205	HB 51
76.101	HB 51
76.118	HB 51
76.119	HB 51
76.301	HB 51

# PARKS & WILDLIFE CODE

## **Sec. 62.014. HUNTER EDUCATION PROGRAM.**

(n) The following persons are exempt from any requirement to complete ~~[the live firing portion of]~~ a hunter education course under this section:

(1) an honorably discharged veteran of the United States armed forces~~;~~ or

~~[(2)]~~ a person who is on active duty as a member of the United States armed ~~[military]~~ forces;

(2) a person who is on active duty or has previously served as a member of the Texas Army National Guard, the Texas Air National Guard, or the Texas State Guard; or

(3) a person who is serving or has previously served as a peace officer described by Subdivision (1), (2), (3), or (4), Article 2.12, Code of Criminal Procedure~~], the Texas Army National Guard, the Texas Air National Guard, or the Texas State Guard]~~.

## **Sec. 76.0205. SUSTAINABILITY OF OYSTER INDUSTRY.**

(a) In order to enhance the viability of commercial oyster fishing and ensure the sustainability of the oyster industry to accommodate the highest number of commercial oyster fishing boats, a person who purchases oysters under Section 47.0091 and holds a shellfish certificate, as defined by Section 436.002, Health and Safety Code, must:

(1) distribute, in an area designated by the department, oyster shells or other cultch material approved by the department in an amount equal to not less than 30 percent

of the total volume of oysters purchased by the person in the previous license year; or

(2) pay a fee to the department in an amount calculated under Subsection (c).

(b) The distribution of oyster shells or other cultch material must be directly supervised by an agent or employee of the department.

(c) The department shall calculate the current market cost of the acquisition and deposition of cultch material on a per cubic yard basis. The fee charged under Subsection (a)(2) is the market cost established under this subsection multiplied by 30 percent of the total volume of oysters purchased by the person in the previous license year. The fee charged under this section shall be deposited to the credit of the oyster shell recovery and replacement program account.

(d) A person who possesses oysters that do not meet the requirements of Section 76.112:

(1) shall replace the oysters in the beds from which they were taken as directed by an authorized employee of the department; and

(2) is subject to any penalty and must perform any remedy authorized by law.

## **Sec. 76.101. OYSTER LICENSES REQUIRED.**

(b) No ~~[Except as provided in Subsection (d) of this section, no]~~ person may take or attempt to take oysters from the public water of this state, without the use of a boat, for pay or for the purpose of sale, barter, or exchange or any other commercial purpose without first having acquired from the department a commercial oyster fisherman's license.

(d) Each member of the ~~[The captain and]~~ crew of a licensed commercial oyster boat is ~~[are not]~~ required to have a general commercial ~~[oyster]~~ fisherman's license ~~[licenses]~~ to take oysters while they are on a licensed boat that is being used to take oysters.

**Sec. 76.118. PENALTIES.**

(a) Except as provided in Subsections (b), ~~[and] (c), (e-2), and (e-3) [of this section]~~, a person who violates a provision of this subchapter or a regulation of the commission issued under this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(e-2) The punishment for an offense otherwise punishable under Subsection (a) is a Class B Parks and Wildlife misdemeanor if it is shown on the trial of the offense that:

(1) the defendant is the captain of a commercial oyster boat or a member of the crew of a commercial oyster boat;

(2) the provision or regulation violated relates to oyster size; and

(3) the defendant has previously been convicted at least twice for a violation of a provision or regulation relating to oyster size.

(e-3) The punishment for an offense otherwise punishable under Subsection (a) is a Class C Parks and Wildlife misdemeanor, with an attendant license suspension under Section 76.1181, if it is shown on the trial of the offense that:

(1) the defendant is the captain of a commercial oyster boat or a member of the crew of a commercial oyster boat;

(2) the provision or regulation violated relates to oyster size and the defendant was in possession of a cargo of oysters in which 30 percent or more of the oysters measured less than three inches in length along an imaginary straight line through the long axis of the shell; and

(3) the defendant has previously been convicted one time for a violation of a provision or regulation relating to oyster size and the defendant was in possession of a cargo of oysters in which 30 percent or more of the oysters measured less than three inches in length along an imaginary straight line through the long axis of the shell.

(e-4) The punishment for an offense otherwise punishable under Subsection (a) is a Class

B Parks and Wildlife misdemeanor, with an attendant license suspension under Section 76.1181, if it is shown on the trial of the offense that:

(1) the defendant is the captain of a commercial oyster boat or a member of the crew of a commercial oyster boat;

(2) the provision or regulation violated relates to oyster size and the defendant was in possession of a cargo of oysters in which 30 percent or more of the oysters measured less than three inches in length along an imaginary straight line through the long axis of the shell; and

(3) the defendant has previously been convicted at least two times for a violation of a provision or regulation relating to oyster size and the defendant during both offenses was in possession of a cargo of oysters in which 30 percent or more of the oysters measured less than three inches in length along an imaginary straight line through the long axis of the shell.

(e-5) It is a defense to prosecution under Subsection (a) for a violation of a statute or regulation adopted relating to oyster size that the defendant is a person who purchased oysters from the captain or a member of the crew of a commercial oyster boat and the purchaser was in possession of a cargo of oysters in which less than 30 percent of the oysters were less than three inches in length along an imaginary straight line through the long axis of the shell.

**Sec. 76.119. RESPONSIBILITY FOR VIOLATION.**

(a) If a vessel licensed as a commercial oyster boat is involved in a violation of this chapter, the captain of the vessel licensed as a commercial oyster boat is primarily responsible for the violation. A member of the crew of a vessel licensed as a commercial oyster boat is not guilty of a violation unless the member of the crew committed the violation against the captain's orders, except for a violation of Section 76.109, 76.112, or 76.116, in which case each person on the vessel is responsible for

the violation.

(c) The captain of a vessel licensed as a commercial oyster boat shall identify the name of the captain, the vessel, and each member of the crew to each purchaser of oysters.

(d) A person who purchases oysters under Section 47.0091, who holds a shellfish certificate as defined by Section 436.002, Health and Safety Code, and who purchases oysters from a captain of a vessel licensed as a commercial oyster boat, the holder of a commercial oyster boat license, or a member of the crew of a commercial oyster boat in violation of Section 76.109 or 76.112 or this section may not possess the oysters and is subject to any penalty prescribed by law.

commercial oyster boat license, or a member of the crew of a commercial oyster boat;

(2) purchases oysters under Section 47.0091; and

(3) holds a shellfish certificate, as defined by Section 436.002, Health and Safety Code.

**Sec. 76.301. REGULATION OF TAKING, POSSESSION, PURCHASE, AND SALE OF OYSTERS.**

(a) The commission by proclamation may regulate the taking, possession, purchase, and sale of oysters. A proclamation issued under this section must contain findings by the commission that support the need for the proclamation.

(c) A proclamation issued under Subsection (a) of this section may limit the quantity and size of oysters that may be taken, possessed, sold, or purchased and may prescribe the times, places, conditions, and means and manner of taking oysters. ~~[However, measures dealing with sale and purchase may only be implemented at first sale or exchange transaction.]~~

(f) A person who violates a proclamation issued under ~~[Subsection (a) of]~~ this subchapter ~~[section]~~ commits an offense that is a Parks and Wildlife Code Class C misdemeanor. ~~[An offense under this section is punishable by a fine of not less than \$25 nor more than \$200.]~~

(h) A proclamation of the commission under this section applies to any person who:

(1) purchases oysters from the captain of a commercial oyster boat, the holder of a

## PENAL CODE

Section	Bill Modifying
20.02	HB 2908
22.01	HB 2908
22.07	HB 2908
30.06	HB 435
30.07	HB 435
32.21	HB 351
33.01	HB 9
33.23	HB 9
33.24	HB 9
37.12	HB 683
39.07	SB 4
46.01	HB 435
46.02	HB 1935
46.03	HB 1935
46.035	HB 435
46.05	HB 1819
46.15	HB 435 / HB 1935
49.09	HB 2908



## PENAL CODE

### Sec. 20.02. UNLAWFUL RESTRAINT.

(c) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if the person restrained was a child younger than 17 years of age; ~~[or]~~

(2) a felony of the third degree if:

(A) the actor recklessly exposes the victim to a substantial risk of serious bodily injury;

(B) the actor restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant; or

(C) the actor while in custody restrains any other person; or

(3) notwithstanding Subdivision (2)(B), a felony of the second degree if the actor restrains an individual the actor knows is a peace officer or judge while the officer or judge is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty as a peace officer or judge.

### Sec. 22.01. ASSAULT.

(b-2) Notwithstanding Subsection (b)(1), an offense under Subsection (a)(1) is a felony of the second degree if the offense is committed against a person the actor knows is a peace officer or judge while the officer or judge is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty as a peace officer or judge.

### Sec. 22.07. TERRORISTIC THREAT.

(c-1) Notwithstanding Subsection (c)(2), an offense under Subsection (a)(2) is a state jail felony if the offense is committed against a person the actor knows is a peace officer or judge.

### Sec. 30.06. TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN.

(f) It is a defense to prosecution under this section that the license holder is volunteer emergency services personnel, as defined by Section 46.01.

### Sec. 30.07. TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN.

(g) It is a defense to prosecution under this section that the license holder is volunteer emergency services personnel, as defined by Section 46.01.

### Sec. 32.21. FORGERY.

(b) A person commits an offense if he forges a writing with intent to defraud or harm another.

(e-1) If it is shown on the trial of an offense under this section that the actor engaged in the conduct to obtain or attempt to obtain a property or service, an offense under this section is:

(1) a Class C misdemeanor if the value of the property or service is less than \$100;

(2) a Class B misdemeanor if the value of the property or service is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the value of the property or service is \$750 or more but less than \$2,500;

(4) a state jail felony if the value of the property or service is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the value of the property or service is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the value of the property or service is \$150,000 or more but less than \$300,000; and

(7) a felony of the first degree if the value of the property or service is \$300,000 or more.

(e-2) Notwithstanding any other provision of this section, an [An] offense under this section, other than an offense described for purposes of punishment by Subsection (e-1)(7), is increased to the next higher category of offense if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04.

### **Sec. 33.01. DEFINITIONS.**

(2) "Aggregate amount" means the amount of:

(A) any direct or indirect loss incurred by a victim, including the value of money, property, or service stolen, appropriated, or rendered unrecoverable by the offense; or

(B) any expenditure required by the victim to:

(i) determine whether data or [verify that] a computer, computer network, computer program, or computer system was [not] altered, acquired, appropriated, damaged, deleted, or disrupted by the offense; or

(ii) attempt to restore, recover, or replace any data altered, acquired, appropriated, damaged, deleted, or disrupted.

(11-a) "Decryption," "decrypt," or "decrypted" means the decoding of encrypted communications or information, whether by use of a decryption key, by breaking an encryption formula or algorithm, or by the interference with a person's use of an encryption service in a manner that causes information or communications to be stored or transmitted without encryption.

(13-a) "Encrypted private information" means encrypted data, documents, wire or electronic communications, or other information stored on a computer or computer system, whether in the possession of the owner or a provider of an electronic communications service or a remote computing service, and which has not been accessible to the public.

(13-b) "Encryption," "encrypt," or "encrypted" means the encoding of data, documents, wire or electronic communications, or other information, using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized access to, such information.

(13-c) "Encryption service" means a computing service, a computer device, computer software, or technology with encryption capabilities, and includes any subsequent version of or update to an encryption service.

(15-a) "Privileged information" means:

(A) protected health information, as that term is defined by Section 182.002, Health and Safety Code;

(B) information that is subject to the attorney-client privilege; or

(C) information that is subject to the accountant-client privilege under Section 901.457, Occupations Code, or other law, if the information is on a computer, computer network, or computer system owned by a person possessing a license issued under Subchapter H, Chapter 901, Occupations Code.

### **Sec. 33.023. ELECTRONIC DATA TAMPERING.**

(a) In this section, "ransomware" means a computer contaminant or lock that restricts access by an unauthorized person to a computer, computer system, or computer network or any data in a computer, computer system, or computer network

under circumstances in which a person demands money, property, or a service to remove the computer contaminant or lock, restore access to the computer, computer system, computer network, or data, or otherwise remediate the impact of the computer contaminant or lock.

(b) A person commits an offense if the person intentionally alters data as it transmits between two computers in a computer network or computer system through deception and without a legitimate business purpose.

(c) A person commits an offense if the person intentionally introduces ransomware onto a computer, computer network, or computer system through deception and without a legitimate business purpose.

(d) Subject to Subsections (d-1) and (d-2), an offense under this section is a Class C misdemeanor.

(d-1) Subject to Subsection (d-2), if it is shown on the trial of the offense that the defendant acted with the intent to defraud or harm another, an offense under this section is:

(1) a Class C misdemeanor if the aggregate amount involved is less than \$100 or cannot be determined;

(2) a Class B misdemeanor if the aggregate amount involved is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the aggregate amount involved is \$750 or more but less than \$2,500;

(4) a state jail felony if the aggregate amount involved is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the aggregate amount involved is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the aggregate amount involved is \$150,000 or more but less than \$300,000; and

(7) a felony of the first degree if the aggregate amount involved is \$300,000 or more.

(d-2) If it is shown on the trial of the offense

that the defendant knowingly restricted a victim's access to privileged information, an offense under this section is:

(1) a state jail felony if the value of the aggregate amount involved is less than \$2,500;

(2) a felony of the third degree if:

(A) the value of the aggregate amount involved is \$2,500 or more but less than \$30,000; or

(B) a client or patient of a victim suffered harm attributable to the offense;

(3) a felony of the second degree if:

(A) the value of the aggregate amount involved is \$30,000 or more but less than \$150,000; or

(B) a client or patient of a victim suffered bodily injury attributable to the offense; and

(4) a felony of the first degree if:

(A) the value of the aggregate amount involved is \$150,000 or more; or

(B) a client or patient of a victim suffered serious bodily injury or death attributable to the offense.

(e) When benefits are obtained, a victim is defrauded or harmed, or property is altered, appropriated, damaged, or deleted in violation of this section, whether or not in a single incident, the conduct may be considered as one offense and the value of the benefits obtained and of the losses incurred because of the fraud, harm, or alteration, appropriation, damage, or deletion of property may be aggregated in determining the grade of the offense.

(f) A person who is subject to prosecution under this section and any other section of this code may be prosecuted under either or both sections.

(g) Software is not ransomware for the purposes of this section if the software restricts access to data because:

(1) authentication is required to upgrade or access purchased content; or

(2) access to subscription content has been

blocked for nonpayment.

**Sec. 33.024. UNLAWFUL DECRYPTION.**

(a) A person commits an offense if the person intentionally decrypts encrypted private information through deception and without a legitimate business purpose.

(b) Subject to Subsections (b-1) and (b-2), an offense under this section is a Class C misdemeanor.

(b-1) Subject to Subsection (b-2), if it is shown on the trial of the offense that the defendant acted with the intent to defraud or harm another, an offense under this section is:

(1) a Class C misdemeanor if the value of the aggregate amount involved is less than \$100 or cannot be determined;

(2) a Class B misdemeanor if the value of the aggregate amount involved is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the value of the aggregate amount involved is \$750 or more but less than \$2,500;

(4) a state jail felony if the value of the aggregate amount involved is \$2,500 or more but less than \$30,000;

(5) a felony of the third degree if the value of the aggregate amount involved is \$30,000 or more but less than \$150,000;

(6) a felony of the second degree if the value of the aggregate amount involved is \$150,000 or more but less than \$300,000; and

(7) a felony of the first degree if the value of the aggregate amount involved is \$300,000 or more.

(b-2) If it is shown on the trial of the offense that the defendant knowingly decrypted privileged information, an offense under this section is:

(1) a state jail felony if the value of the aggregate amount involved is less than \$2,500;

(2) a felony of the third degree if:

(A) the value of the aggregate amount involved is \$2,500 or more but less

than \$30,000; or

(B) a client or patient of a victim suffered harm attributable to the offense;

(3) a felony of the second degree if:

(A) the value of the aggregate amount involved is \$30,000 or more but less than \$150,000; or

(B) a client or patient of a victim suffered bodily injury attributable to the offense; and

(4) a felony of the first degree if:

(A) the value of the aggregate amount involved is \$150,000 or more; or

(B) a client or patient of a victim suffered serious bodily injury or death attributable to the offense.

(c) It is a defense to prosecution under this section that the actor's conduct was pursuant to an agreement entered into with the owner for the purpose of:

(1) assessing or maintaining the security of the information or of a computer, computer network, or computer system; or

(2) providing other services related to security.

(d) A person who is subject to prosecution under this section and any other section of this code may be prosecuted under either or both sections.

**Sec. 37.12. FALSE IDENTIFICATION AS PEACE OFFICER; MISREPRESENTATION OF PROPERTY.**

(a) A person commits an offense if:

(1) the person makes, provides to another person, or possesses a card, document, badge, insignia, shoulder emblem, or other item, including a vehicle, bearing an insignia of a law enforcement agency that identifies a person as a peace officer or a reserve law enforcement officer; and

(2) the person who makes, provides, or possesses the item bearing the insignia knows that the person so identified by the item is not commissioned as a peace officer or reserve law enforcement officer

as indicated on the item.

(b) It is a defense to prosecution under this section that:

(1) the card, document, badge, insignia, shoulder emblem, or other item bearing an insignia of a law enforcement agency clearly identifies the person as an honorary or junior peace officer or reserve law enforcement officer, or as a member of a junior posse; or

(2) the person identified as a peace officer or reserve law enforcement officer by the item bearing the insignia was commissioned in that capacity when the item was made.

(b-1) It is an exception to the application of this section that ~~;~~ or

~~[(3)]~~ the item was used or intended for use exclusively for decorative purposes or in an artistic or dramatic presentation.

(c-1) For purposes of this section, an item bearing an insignia of a law enforcement agency includes an item that contains the word "police," "sheriff," "constable," or "trooper."

(d) A person commits an offense if the person intentionally or knowingly misrepresents an object, including a vehicle, as property belonging to a law enforcement agency. For purposes of this subsection, intentionally or knowingly misrepresenting an object as property belonging to a law enforcement agency includes intentionally or knowingly displaying an item bearing an insignia of a law enforcement agency in a manner that would lead a reasonable person to interpret the item as property belonging to a law enforcement agency.

(e) An offense under this section is a Class B misdemeanor.

#### **Sec. 39.07. FAILURE TO COMPLY WITH IMMIGRATION DETAINER REQUEST.**

(a) A person who is a sheriff, chief of police, or constable or a person who otherwise has primary authority for administering a jail commits an offense if the person:

(1) has custody of a person subject to an immigration detainer request issued by United States Immigration and Customs Enforcement; and

(2) knowingly fails to comply with the detainer request.

(b) An offense under this section is a Class A misdemeanor.

(c) It is an exception to the application of this section that the person who was subject to an immigration detainer request described by Subsection (a)(1) had provided proof that the person is a citizen of the United States or that the person has lawful immigration status in the United States, such as a Texas driver's license or similar government-issued identification.

#### **Sec. 46.01. DEFINITIONS.**

(18) "Volunteer emergency services personnel" includes a volunteer firefighter, an emergency medical services volunteer as defined by Section 773.003, Health and Safety Code, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined by Section 1701.001, Occupations Code, who is performing law enforcement duties.

#### **Sec. 46.02. UNLAWFUL CARRYING WEAPONS.**

(a) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun~~[-illegal knife,]~~ or club; and

(2) ~~[if the person]~~ is not:

(A) ~~[(4)]~~ on the person's own premises or premises under the person's control; or

(B) ~~[(2)]~~ inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

(a-4) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a location-restricted knife;

(2) is younger than 18 years of age at the time of the offense; and

(3) is not:

(A) on the person's own premises or premises under the person's control;

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; or

(C) under the direct supervision of a parent or legal guardian of the person.

(b) Except as provided by Subsection (c) or (d), an offense under this section is a Class A misdemeanor.

(d) An offense under Subsection (a-4) is a Class C misdemeanor.

**Sec. 46.03. PLACES WEAPONS PROHIBITED.**

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted ~~[illegal]~~ knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section

applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife:

(1) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(2) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place,

unless the person is a participant in the event and a location-restricted knife is used in the event;

(3) on the premises of a correctional facility;

(4) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the person has written authorization of the hospital or nursing facility administration, as appropriate;

(5) on the premises of a mental hospital, as defined by Section 571.003, Health and Safety Code, unless the person has written authorization of the mental hospital administration;

(6) in an amusement park; or

(7) on the premises of a church, synagogue, or other established place of religious worship.

(g) Except as provided by Subsection (g-1), an ~~[A]~~ offense under this section is a felony of the third degree ~~[felony]~~.

(g-1) If the weapon that is the subject of the offense is a location-restricted knife, an offense under this section is a Class C misdemeanor, except that the offense is a felony of the third degree if the offense is committed under Subsection (a)(1).

#### **Sec. 46.035. UNLAWFUL CARRYING OF HANDGUN BY LICENSE HOLDER.**

(h-1) It is a defense to prosecution under Subsections (b)(1), (2), ~~(4)~~, ~~(5)~~, and ~~(6)~~ ~~[(4)-(6)]~~ and (c) that at the time of the commission of the offense, the actor was:

(1) a judge or justice of a federal court;

(2) an active judicial officer, as defined by Section 411.201, Government Code; or

(3) the attorney general or a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney.

(m) It is a defense to prosecution under Subsections (b) and (c) that the actor is volunteer emergency services personnel engaged in providing emergency services.

#### **Sec. 46.05. PROHIBITED WEAPONS.**

(a) A person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the United States Department of Justice:

(A) an explosive weapon;

(B) a machine gun; or

(C) a short-barrel firearm; ~~[or~~

~~[(D) a firearm silencer];~~

(2) knuckles;

(3) armor-piercing ammunition;

(4) a chemical dispensing device;

(5) a zip gun; ~~[or]~~

(6) a tire deflation device; or

(7) a firearm silencer, unless the firearm silencer is classified as a curio or relic by the United States Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

(e) An offense under Subsection (a)(1), (3), (4), ~~[or]~~ (5), or (7) is a felony of the third degree. An offense under Subsection (a)(6) is a state jail felony. An offense under Subsection (a)(2) is a Class A misdemeanor.

**Sec. 46.15. NONAPPLICABILITY.**

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) authorized to carry a weapon under Section 76.0051, Government Code;

(4) an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(5) an honorably retired peace officer, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law

enforcement agency, as applicable, and that verifies that the officer is:

(A) an honorably retired peace officer;

(B) a qualified retired law enforcement officer;

(C) a federal criminal investigator; or

(D) a former reserve law enforcement officer who has served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies;

(6) the attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A) licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; and

(B) engaged in escorting the judicial officer; ~~[or]~~

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code; or

(10) a person who is volunteer emergency services personnel if the person is:

(A) carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code; and

(B) engaged in providing emergency services.

(e) ~~[The provisions of] Section 46.02(a-4) does [46.02 prohibiting the carrying of an illegal knife do]~~ not apply to an individual



carrying a location-restricted knife [~~bowie knife or a sword~~] used in a historical demonstration or in a ceremony in which the knife [~~or sword~~] is significant to the performance of the ceremony.

**Sec. 49.09. ENHANCED OFFENSES AND PENALTIES.**

(b-1) An offense under Section 49.07 is:

(1) a felony of the second degree if it is shown on the trial of the offense that the person caused serious bodily injury to [a peace officer,] a firefighter[,], or emergency medical services personnel while in the actual discharge of an official duty; or

(2) a felony of the first degree if it is shown on the trial of the offense that the person caused serious bodily injury to a peace officer or judge while the officer or judge was in the actual discharge of an official duty.

## PROPERTY CODE

Section	Bill Modifying
11.008	SB 42
24.011	HB 3879
24A.001	SB 920
24A.002	SB 920
24A.0021	SB 920
24A.003	SB 920
24A.004	SB 920
24A.005	SB 920
24A.006	SB 920
51.002	HB 1128
92.015	HB 1099
93.013	HB 2552

# PROPERTY CODE

## Sec. 11.008. PERSONAL INFORMATION IN REAL PROPERTY RECORDS.

(j) On receipt of a written request from a federal judge, state judge as defined by Section 572.002, Government Code, or spouse of a federal or state judge, the county clerk shall omit or redact from an instrument described by this section that is available in an online database made public by the county clerk, or by a provider with which the county commissioners court contracts to provide the online database, social security number, driver's license number, and residence address of the federal judge, state judge, or spouse of the federal or state judge.

## Sec. 24.011. NONLAWYER REPRESENTATION.

(a) In eviction suits in justice court for nonpayment of rent or holding over beyond a rental term, the parties may represent themselves or be represented by their authorized agents, who need not be attorneys. In any eviction suit in justice court, an authorized agent requesting or obtaining a default judgment need not be an attorney.

(b) In an appeal of an eviction suit for nonpayment of rent in a county or district court, an owner of a multifamily residential property may be represented by the owner's authorized agent, who need not be an attorney, or, if the owner is a corporation or other entity, by an employee, owner, officer, or partner of the entity, who need not be an attorney.

## Sec. 24A.001. DEFINITIONS [DEFINITION].

In this chapter:

- (1) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.
- (2) "Family violence" has the meaning assigned by Section 71.004, Family Code.
- (3) "Peace[, "peace] officer" means a person listed under Article 2.12(1) or (2), Code of Criminal Procedure.

## Sec. 24A.002. WRIT [ORDER] AUTHORIZING ENTRY AND PROPERTY RETRIEVAL; PEACE OFFICER TO ACCOMPANY.

(a) If a person is unable to enter the person's residence or former residence to retrieve personal property belonging to the person or the person's dependent because the current occupant is denying the person entry, the person may apply to the justice court for a writ ~~[an order]~~ authorizing the person to enter the residence accompanied by a peace officer to retrieve specific items of personal property.

(b) An application under Subsection (a) must:

- (1) certify that the applicant is unable to enter the residence because the current occupant of the residence:

(A) has denied the applicant access to the residence; or

(B) poses a clear and present danger of family violence to the applicant or the applicant's dependent;

- (2) certify that, to the best of the applicant's knowledge, the applicant is not:

(A) the subject of an active protective order under Title 4, Family Code, a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, or another court order prohibiting entry to the residence; or

(B) otherwise prohibited by law from entering the residence;

- (3) allege that the applicant or the applicant's ~~[minor]~~ dependent requires

personal items located in the residence that are only of the following types:

- (A) medical records;
- (B) medicine and medical supplies;
- (C) clothing;
- (D) child-care items;
- (E) legal or financial documents;
- (F) checks or bank or credit cards in the name of the applicant;
- (G) employment records; ~~or~~
- (H) personal identification documents; or
- (I) copies of electronic records containing legal or financial documents;

(4) describe with specificity the items that the applicant intends to retrieve;

(5) allege that the applicant or the applicant's dependent will suffer personal harm if the items listed in the application are not retrieved promptly; and

(6) include a lease or other documentary evidence that shows the applicant is currently or was formerly authorized to occupy the residence.

(c) Before the justice of the peace may issue a writ ~~[an order]~~ under this section, the applicant must execute a bond that:

(1) has two or more good and sufficient non-corporate sureties or one corporate surety authorized to issue bonds in this state;

(2) is payable to the occupant of the residence;

(3) is in an amount required by the justice; and

(4) is conditioned on the applicant paying all damages and costs adjudged against the applicant for wrongful property retrieval.

(d) The applicant shall deliver the bond to the justice of the peace issuing the writ ~~[order]~~ for the justice's approval. The bond shall be filed with the justice court.

(e) On sufficient evidence of urgency and potential harm to the health and safety of any person and after sufficient notice to the

current occupant and an opportunity to be heard, the justice of the peace may grant the application under this section and issue a writ ~~[an order]~~ authorizing the applicant to enter the residence accompanied by a peace officer and retrieve the property listed in the application if the justice of the peace finds that:

(1) the applicant is unable to enter the residence because the current occupant of the residence has denied the applicant access to the residence to retrieve the applicant's personal property or the personal property of the applicant's dependent;

(2) the applicant is not:

(A) the subject of an active protective order under Title 4, Family Code, a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, or another court order prohibiting entry to the residence; or

(B) otherwise prohibited by law from entering the residence;

(3) there is a risk of personal harm to the applicant or the applicant's dependent if the items listed in the application are not retrieved promptly;

(4) the applicant is currently or was formerly authorized to occupy the residence according to a lease or other documentary evidence; and

(5) the current occupant received notice of the application and was provided an opportunity to appear before the court to contest the application.

**Sec. 24A.0021. TEMPORARY EX PARTE WRIT AUTHORIZING ENTRY AND PROPERTY RETRIEVAL.**

(a) A justice of the peace may issue a writ under Section 24A.002 without providing notice and hearing under Section 24A.002(e)(5) if the justice finds at a hearing on the application that:

(1) the conditions of Sections 24A.002(e)(1)-(4) are established;

(2) the current occupant poses a clear and present danger of family violence to the applicant or the applicant's dependent; and

(3) the personal harm to be suffered by the applicant or the applicant's dependent will be immediate and irreparable if the application is not granted.

(b) A justice of the peace issuing a writ under this section may waive the bond requirements under Sections 24A.002(c) and (d).

(c) The justice of the peace may recess a hearing under Subsection (a) to notify the current occupant by telephone that the current occupant may attend the hearing or bring to the court the personal property listed in the application. The justice of the peace shall reconvene the hearing before 5 p.m. that day regardless of whether the current occupant attends the hearing or brings the personal property to the court.

(d) A temporary ex parte writ issued under Subsection (a) must state the period, not to exceed five days, during which the writ is valid.

**Sec. 24A.003. AUTHORIZED ENTRY PROCEDURES; DUTIES OF PEACE OFFICER.**

(a) If the justice of the peace grants an application under Section 24A.002 or Section 24A.0021, a peace officer shall accompany and assist the applicant in making the authorized entry and retrieving the items of personal property listed in the application.

(b) If the current occupant of the residence is present at the time of the entry, the peace officer shall provide the occupant with a copy of the writ ~~[court order]~~ authorizing the entry and property retrieval.

(c) Before removing the property listed in the application from the residence, the applicant must submit all property retrieved to the peace officer assisting the applicant under

this section to be inventoried. The peace officer shall create an inventory listing the items taken from the residence, provide a copy of the inventory to the applicant, provide a copy of the inventory to the current occupant or, if the current occupant is not present, leave the copy in a conspicuous place in the residence, and return the property to be removed from the residence to the applicant. The officer shall file the original inventory with the court that issued the writ ~~[order]~~ authorizing the entry and property retrieval.

**Sec. 24A.004. IMMUNITY FROM LIABILITY.**

A landlord or a landlord's agent who permits or facilitates entry into a residence in accordance with a writ ~~[court order]~~ issued under this chapter is not civilly or criminally liable for an act or omission that arises in connection with permitting or facilitating the entry.

**Sec. 24A.005. OFFENSE.**

(a) A person commits an offense if the person interferes with a person or peace officer entering a residence and retrieving personal property under the authority of a writ ~~[court order]~~ issued under Section 24A.002 or 24A.0021.

(c) It is a defense to prosecution under this section that the actor did not receive a copy of the writ ~~[court order]~~ or other notice that the entry or property retrieval was authorized.

**Sec. 24A.006. HEARING; REVIEW.**

(a) The occupant of a residence that is the subject of a writ ~~[court order]~~ issued under Section 24A.002 or 24A.0021, not later than the 10th day after the date of the authorized entry, may file a complaint in the court that issued the writ ~~[order]~~ alleging that the applicant has appropriated property belonging to the occupant or the occupant's dependent.

**Sec. 51.002. SALE OF REAL PROPERTY UNDER CONTRACT LIEN.**

(a) Except as provided by Subsection (a-1), a [A] sale of real property under a power of sale conferred by a deed of trust or other contract lien must be a public sale at auction held between 10 a.m. and 4 p.m. of the first Tuesday of a month. Except as provided by Subsection (h), the sale must take place at the county courthouse in the county in which the land is located, or if the property is located in more than one county, the sale may be made at the courthouse in any county in which the property is located. The commissioners court shall designate the area at the courthouse where the sales are to take place and shall record the designation in the real property records of the county. The sale must occur in the designated area. If no area is designated by the commissioners court, the notice of sale must designate the area where the sale covered by that notice is to take place, and the sale must occur in that area.

(a-1) If the first Tuesday of a month occurs on January 1 or July 4, a public sale under Subsection (a) must be held between 10 a.m. and 4 p.m. on the first Wednesday of the month.

**Sec. 92.015. TENANT'S RIGHT TO SUMMON POLICE OR EMERGENCY ASSISTANCE.**

(a) A landlord may not:

(1) prohibit or limit a residential tenant's right to summon police or other emergency assistance based on the tenant's reasonable belief that an individual is in need of intervention or emergency assistance [in response to family violence]; or

(2) impose monetary or other penalties on a tenant who summons police or emergency assistance if the assistance was requested or dispatched based on the tenant's reasonable belief that an individual was in need of intervention or emergency assistance [in response to family violence].

(b) A provision in a lease is void if the provision purports to:

(1) waive a tenant's right to summon police or other emergency assistance based on the tenant's reasonable belief that an individual is in need of intervention or emergency assistance [in response to family violence]; or

(2) exempt any party from a liability or a duty under this section.

~~(e) For purposes of this section, "family violence" has the meaning assigned by Section 71.004, Family Code.~~

**Sec. 93.013. CERTAIN UNLAWFUL USES OF PREMISES; TERMINATION OF TENANT'S RIGHT OF POSSESSION.**

(a) Notwithstanding a provision in a lease to the contrary, a tenant's right of possession terminates and the landlord has a right to recover possession of the leased premises if the tenant is using the premises or allowing the premises to be used for the purposes of prostitution, promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution, as prohibited by the Penal Code, or trafficking of persons as described by Section 20A.02, Penal Code.

(b) A landlord who reasonably believes a tenant is using the leased premises or allowing the leased premises to be used for a purpose described by Subsection (a) may file a forcible detainer suit under Chapter 24 seeking possession of the premises and unpaid rent, including rent for any period of occupancy after the tenant's right of possession terminates.

(c) Notwithstanding Section 24.005 or 91.001 or any other law or a provision in the lease to the contrary, the landlord is not required for purposes of a forcible detainer suit authorized by this section:

(1) to give a notice of proposed eviction or a notice of termination before giving notice to vacate; or

(2) to give the tenant more than three days' notice to vacate before filing the suit.

(d) A pending suit brought by the attorney general or a district, county, or city attorney under Chapter 125, Civil Practice and Remedies Code, alleging that a common nuisance is being maintained on the leased premises with respect to an activity described by Subsection (a) is prima facie evidence that the tenant's right of possession has terminated and the landlord has a right to recover possession of the premises under Subsection (a).

(e) A final, nonappealable determination by a court under Chapter 125, Civil Practice and Remedies Code, that a common nuisance is being maintained on the leased premises with respect to an activity described by Subsection (a) creates an irrebuttable presumption that the tenant's right of possession has terminated and the landlord has a right to recover possession of the premises under Subsection (a).

## TAX CODE

Section	Bill Modifying
25.025	SB 42 / SB 256 / HB 457 / SB 510
34.01	HB 1128
34.07	HB 1128



## TAX CODE

### **Sec. 25.025. CONFIDENTIALITY OF CERTAIN HOME ADDRESS INFORMATION.**

(a) This section applies only to:

(1) a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure, and the spouse or surviving spouse of the peace officer;

(2) the adult child of a current peace officer as defined by Article 2.12, Code of Criminal Procedure;

(5) an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of family violence as defined by Section 71.004, Family Code, by providing:

(A) a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of family violence [if as a result of the act of family violence against the victim, the actor is convicted of a felony or a Class A misdemeanor];

(6) an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons by providing:

(A) a copy of a protective order issued under Chapter 7A or Article 6.09, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons;

(7) a participant in the address confidentiality program administered by the attorney general under Subchapter C, Chapter 56, Code of Criminal Procedure, who provides proof of certification under Article 56.84, Code of Criminal Procedure;

(8) a federal judge, a state judge, or the spouse of a federal judge or state judge; and

(18) a current or former employee of a federal judge or state judge.

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if:

(1) the information identifies the home address of a named individual to whom this section applies; and

(2) the individual:

(A) chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07; or

(B) is a federal or state judge as defined by Section 572.002, Government Code, or the spouse of a federal or state judge, beginning on the date the Office of Court Administration of the Texas Judicial System notifies the appraisal district of the judge's qualification for the judge's office.

### **Sec. 34.01. SALE OF PROPERTY**

(r-1) A sale of real property under this section, other than a sale conducted by means of a public auction using online bidding and sale under Subsection (a-1), must take place between 10 a.m. and 4 p.m. on the first

Tuesday of a month or, if the first Tuesday of a month occurs on January 1 or July 4, between 10 a.m. and 4 p.m. on the first Wednesday of the month.

(r-2) A sale of real property conducted by means of a public auction using online bidding and sale under Subsection (a-1) may begin at any time and must conclude at 4 p.m. on the first Tuesday of a month or, if the first Tuesday of a month occurs on January 1 or July 4, at 4 p.m. on the first Wednesday of the month.

**Sec. 34.07. SUBROGATION OF PURCHASER AT VOID SALE.**

(f) A suit filed against the taxing units under Subsection (d) may not be maintained unless the action is instituted before the first anniversary of the date of sale or resale. In this subsection:

- (1) "Date of sale" means the date [~~first Tuesday of the month~~] on which the sheriff or constable conducted the sale of the property under Section 34.01.
- (2) "Date of resale" means the date on which the grantor's acknowledgment was taken or, in the case of multiple grantors, the latest date of acknowledgment by the grantors as shown in the deed.

## TRANSPORTATION CODE

Section	Bill Modifying
228.0546	SB 312
228.0547	SB 312
502.010	SB 1913
502.057	SB 2075
521.001	HB 3050
521.0475	HB 3050
521.121	SB 42 / HB 3050
521.1211	HB 3050
521.204	HB 3050
521.222	HB 3050
521.271	HB 3050
521.272	HB 3050
521.292	HB 3272
521.294	HB 3272
521.300	HB 3272
521.314	HB 3272
521.3451	HB 3050
543.004	HB 62
545.062	HB 62
545.424	HB 62 / HB 3050
545.425	HB 62
545.4251	HB 62
547.001	HB 3087 / HB 3654
547.305	HB 3087 / HB 2812

<b>Section</b>	<b>Bill Modifying</b>
547.701	SB 693
548.203	HB 1793
550.062	SB 1524
601.053	SB 1187
601.191	SB 1187
621.303	SB 1524
623.018	SB 1524
623.019	SB 1524
623.070	SB 1524
623.401	SB 1524
623.402	SB 1524
623.403	SB 1524
623.404	SB 1524
623.405	SB 1524
623.406	SB 1524
623.407	SB 1524
623.408	SB 1524
623.409	SB 1524
644.102	HB 2065
681.012	HB 1790
706.005	SB 1913
706.006	SB 1913
708.052	HB 62
708.103	SB 1187
728.022	HB 3223

# TRANSPORTATION CODE

## **Sec. 228.0546. INVOICE REQUIREMENTS; PAYMENT DUE DATE.**

An invoice containing an assessment for the use of a toll project must:

(1) require payment not later than the 30th day after the date the invoice is mailed; and

(2) conspicuously state:

(A) the amount due;

(B) the date by which the amount due must be paid; and

(C) that failure to pay the amount due in the required period will result in the assessment of an administrative fee.

## **Sec. 228.0547. PAYMENT OF TOLL INVOICE; OFFENSE.**

(a) A person who receives an invoice from the department for the use of a toll project shall, not later than the due date specified in the invoice:

(1) pay the amount owed as stated in the invoice; or

(2) send a written request to the department for a review of the toll assessments contained in the invoice.

(b) If a person fails to comply with Subsection (a), the department may add an administrative fee, not to exceed \$6, to the amount the person owes. The department:

(1) must set the administrative fee by rule in an amount that does not exceed the cost of collecting the toll; and

(2) may not charge a person more than \$48 in administrative fees in a 12-month period.

(c) A person who receives two or more

invoices for unpaid tolls, including a lessee or transferee under Section 228.055(d-1) or (e) or a person who receives an invoice from an entity under Section 228.059, and who has not paid the amount due within 30 days of the date of the second invoice commits an offense. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$250. A person may not be convicted of more than one offense under this subsection in a 12-month period.

(d) The court in which a person is convicted of an offense under Subsection (c) shall collect the unpaid tolls and administrative fees and forward the amounts to the department. A person who is convicted of an offense under Subsection (c) is also liable for court costs.

(e) The department may contract, in accordance with Section 2107.003, Government Code, with a person to collect the unpaid toll and any applicable administrative fee before referring the matter to a court with jurisdiction over the offense.

## **Sec. 228.055. EXCEPTIONS FOR LEASED OR TRANSFERRED VEHICLE [ADMINISTRATIVE FEE; NOTICE; OFFENSE].**

(d) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle [the application of Subsection (a) or (e)] if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the invoice containing an assessment of the toll [notice of nonpayment] is mailed provides to the department:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date the toll was incurred [of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545], with the name and address of the lessee clearly legible; or

(2) electronic data, in a format agreed on by the department and the lessor, other than

a photocopy or scan of a rental or lease contract, that contains the information required under Sections 521.460(c)(1), (2), and (3) covering the vehicle on the date the toll was incurred ~~[of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~.

(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the department may send an invoice ~~[a notice of nonpayment]~~ to the lessee at the address provided under Subsection (d) by first class mail before the 30th day after the date of receipt of the required information from the lessor. ~~[The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative fee for each event of nonpayment. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]~~

(e) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle ~~[the application of Subsection (a) or (c)]~~ if the registered owner of the vehicle transferred ownership of the vehicle to another person before the toll was incurred ~~[event of nonpayment under Section 228.054 occurred or before the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~, submitted written notice of the transfer to the department in accordance with Section 501.147, and, before the 30th day after the date the invoice ~~[notice of nonpayment]~~ is mailed, provides to the department the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the department may send an invoice ~~[a notice of~~

~~nonpayment]~~ to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first class mail before the 30th day after the date of receipt of the required information from the former owner. The department may send all subsequent invoices ~~[notices of nonpayment]~~ associated with the vehicle to the person to whom ownership of the vehicle was transferred at the address provided by the former owner or an alternate address provided by the subsequent owner or derived through other reliable means. ~~[The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]~~

#### **Sec. 502.010. COUNTY SCOFFLAW.**

(a) Except as otherwise provided by this section, a [A] county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives information that the owner of the vehicle:

- (1) owes the county money for a fine, fee, or tax that is past due; or
- (2) failed to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner.

(b-1) Information that is provided to make a determination under Subsection (a)(1) and that concerns the past due status of a fine or fee imposed for a criminal offense and owed to the county expires on the second anniversary of the date the information was provided and may not be used to refuse registration after that date. Once information

about a past due fine or fee is provided under Subsection (b), subsequent information about other fines or fees that are imposed for a criminal offense and that become past due before the second anniversary of the date the initial information was provided may not be used, either before or after the second anniversary of that date, to refuse registration under this section unless the motor vehicle is no longer subject to refusal of registration because of notice received under Subsection (c).

(c) A county that has a contract under Subsection (b) shall notify the department regarding a person for whom the county assessor-collector or the department has refused to register a motor vehicle on:

- (1) the person's payment or other means of discharge, including a waiver, of the past due fine, fee, or tax; or
- (2) perfection of an appeal of the case contesting payment of the fine, fee, or tax.

(f) Except as otherwise provided by this section, a [A] county that has a contract under Subsection (b) may impose an additional fee of \$20 to:

- (1) a person who fails to pay a fine, fee, or tax to the county by the date on which the fine, fee, or tax is due; or
- (2) a person who fails to appear in connection with a complaint, citation, information, or indictment in a court in which a criminal proceeding is pending against the owner. ~~[The additional fee may be used only to reimburse the department or the county for its expenses for providing services under the contract.]~~

(i) A municipal court judge or justice of the peace who has jurisdiction over the underlying offense may waive an additional fee imposed under Subsection (f) if the judge or justice makes a finding that the defendant is economically unable to pay the fee or that good cause exists for the waiver.

(j) If a county assessor-collector is notified that the court having jurisdiction over the underlying offense has waived the past due fine or fee due to the defendant's indigency,

the county may not impose an additional fee on the defendant under Subsection (f).

#### **Sec. 502.057. REGISTRATION RECEIPT.**

(a) The department shall issue or require to be issued to the owner of a vehicle registered under this chapter a registration receipt showing the information required by rule.

(b) A receipt for the renewed registration of a vehicle generated by an online registration system approved by the department is proof of the vehicle's registration until the 31st day after the date of renewal on the receipt.

#### **Sec. 521.001. DEFINITIONS.**

(a) (3) "Driver's license" means an authorization issued by the department for the operation of a motor vehicle. The term includes:

- (A) a temporary license or learner license ~~[instruction permit]~~; and
- (B) an occupational license.

#### **Sec. 521.0475. DISCLOSURE OF ABSTRACT RECORD.**

(a) Except as provided by Subsection (b) ~~[or (e)]~~, the department shall provide a certified abstract of a complete driving record of a license holder, for a fee of \$20, to the license holder or a person eligible to receive the information under Sections 730.007(a)(2)(A), (D), and (I).

~~(c) If the department provides information under Subsection (a) or (b) through the system described by Section 521.055, the information may not be marked as certified.~~

#### **Sec. 521.121. GENERAL INFORMATION ON DRIVER'S LICENSE.**

(a) The driver's license must include:

- (1) a distinguishing number assigned by the department to the license holder;
- (2) a ~~[color]~~ photograph of the entire face of the holder;

(3) the full name and date of birth of the holder;

(4) a brief description of the holder; and

(5) the license holder's residence address or, for a license holder using the procedure under Subsection (c), the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge.

(c) The department shall establish a procedure, on a license holder's qualification for office as a federal or state judge as defined by Section 572.002, Government Code, ~~[for a federal judge, a state judge, or the spouse of a federal or state judge]~~ to omit the ~~[license holder's]~~ residence address of the judge and the spouse of the judge on the license holder's license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge. ~~[In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status as a federal judge, a state judge, or the spouse of a federal or state judge.]~~

#### **Sec. 521.1211. DRIVER'S LICENSE FOR PEACE OFFICER.**

(a) In this section, "peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure, except that the term includes a special investigator as defined by Article 2.122, Code of Criminal Procedure.

(b) Notwithstanding Section 521.121(a), the department by rule shall adopt procedures for the issuance of a driver's license to a peace officer that omits the license holder's actual residence address and includes, as an alternative, an address that is ~~[in the municipality or county of the peace officer's residence and is]~~ acceptable to the department and is in the:

(1) municipality or county of the peace officer's residence; or

(2) county of the peace officer's place of employment.

#### **Sec. 521.204. RESTRICTIONS ON MINOR.**

(b) The department may not issue a Class A, B, or C driver's license other than a hardship license to an applicant under 18 years of age unless the applicant has held a learner license ~~[an instruction permit]~~ or hardship license for at least six months preceding the date of the application.

#### **Sec. 521.222. LEARNER LICENSE [INSTRUCTION PERMIT].**

~~(b) The department may issue an instruction permit to a person 18 years of age or older who has successfully passed all parts of the driver's examination required under Section 521.161 other than the driving test.~~

~~(c) The department may issue a learner license to a person 18 years of age or older who has successfully passed:~~

~~(1) a six-hour adult classroom driver education course approved by the Texas Department of Licensing and Regulation; and~~

~~(2) each part of the driver's examination required by Section 521.161 other than the driving test.~~

(d) A learner license ~~[An instruction permit]~~ entitles the holder to operate a type of motor vehicle on a highway while:

(1) the license ~~[permit]~~ is in the holder's possession; and

(2) the holder is accompanied by a person occupying the seat by the operator who:

(A) holds a license that qualifies the operator to operate that type of vehicle;

(B) is 21 years of age or older; and

(C) has at least one year of driving experience.

~~(e) Except as provided by Subsection (f), an instruction permit is not required to include a photograph.~~



(f) The department may issue a learner license ~~[an instruction permit]~~ under this section to a person who is subject to the registration requirements under Chapter 62, Code of Criminal Procedure, and is otherwise eligible for the license ~~[permit]~~. A learner license ~~[An instruction permit]~~ issued under this subsection must include a photograph of the person.

(g) A person who occupies the seat in a vehicle by a holder of a learner license ~~[an instruction permit]~~ commits an offense if, while the holder is operating the vehicle, the person:

- (1) sleeps;
- (2) is intoxicated, as defined by Section 49.01, Penal Code; or
- (3) is engaged in an activity that prevents the person from observing and responding to the actions of the operator.

#### **Sec. 521.271. LICENSE EXPIRATION.**

(a) Each original driver's license, provisional license, learner license ~~[instruction permit]~~, or occupational driver's license issued to an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires as follows:

- (1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;
- (2) a provisional license expires on the 18th birthday of the license holder;
- (3) a learner license ~~[an instruction permit]~~ expires on the 18th birthday of the license holder;
- (4) an occupational driver's license expires on the first anniversary of the court order granting the license; and
- (5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license

holder occurring after the first anniversary of the date of issuance.

(a-3) Each original provisional license or learner license ~~[instruction permit]~~ issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earliest of:

- (1) the 18th birthday of the license holder;
- (2) the first birthday of the license holder occurring after the date of the application; or
- (3) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law.

#### **Sec. 521.272. RENEWAL OF LICENSE ISSUED TO CERTAIN SEX OFFENDERS.**

(d) Subsection (c) does not apply to a:

- (1) [a] provisional license;
- (2) learner license ~~[an instruction permit]~~ issued under Section 521.222; or
- (3) [a] hardship license issued under Section 521.223.

#### **Sec. 521.292. DEPARTMENT'S DETERMINATION FOR LICENSE SUSPENSION.**

(a) The department shall suspend the person's license if the department determines that the person:

- (1) has operated a motor vehicle on a highway while the person's license was suspended, canceled, disqualified, or revoked, or without a license after an application for a license was denied;
- (2) is a habitually reckless or negligent operator of a motor vehicle;
- (3) is a habitual violator of the traffic laws;
- (4) has permitted the unlawful or fraudulent use of the person's license;

- (5) has committed an offense in another state or Canadian province that, if committed in this state, would be grounds for suspension;
- (6) has been convicted of two or more separate offenses of a violation of a restriction imposed on the use of the license;
- (7) has been responsible as a driver for any accident resulting in serious personal injury or serious property damage;
- (8) is under 18 years of age ~~[the holder of a provisional license issued under Section 521.123]~~ and has been convicted of two or more moving violations committed within a 12-month period; or
- (9) has committed an offense under Section 545.421.

**Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE REVOCATION.**

The department shall revoke the person's license if the department determines that the person:

- (1) is incapable of safely operating a motor vehicle;
- (2) has not complied with the terms of a citation issued by a jurisdiction that is a party to the Nonresident Violator Compact of 1977 for a traffic violation to which that compact applies;
- (3) has failed to provide medical records or has failed to undergo medical or other examinations as required by a panel of the medical advisory board;
- (4) has failed to pass an examination required by the director under this chapter; or
- (5) ~~[has been reported by a court under Section 521.3452 for failure to appear unless the court files an additional report on final disposition of the case;~~
- ~~[(6) has been reported within the preceding two years by a justice or municipal court for failure to appear or for a default in payment of a fine for a misdemeanor~~

~~punishable only by fine, other than a failure reported under Section 521.3452, committed by a person who is at least 14 years of age but younger than 17 years of age when the offense was committed, unless the court files an additional report on final disposition of the case; or~~

~~[(7)]~~ has committed an offense in another state or Canadian province that, if committed in this state, would be grounds for revocation.

**Sec. 521.300. HEARING: LOCATION; PRESIDING OFFICER.**

(a-1) A hearing under this subchapter may be conducted by telephone or video conference call if the presiding officer provides notice to the affected parties.

**Sec. 521.314. CANCELLATION AUTHORITY.**

The department may cancel a license or certificate if it determines that the holder:

- (1) is ~~[was]~~ not entitled to the license or certificate; ~~[or]~~
- (2) failed to give required information in the application for the license or certificate; or
- (3) paid the required fee for the license or certificate by check or credit card that was returned to the department or not honored by the funding institution or credit card company due to insufficient funds, a closed account, or any other reason.

**Sec. 521.3451. SUSPENSION OR DENIAL ON ORDER OF JUSTICE OR MUNICIPAL COURT FOR CONTEMPT OF COURT; REINSTATEMENT.**

- (a) The department shall suspend or deny the issuance of a driver's license or learner license ~~[instruction permit]~~ on receipt of an order to suspend or deny the issuance of either ~~[the]~~ license ~~[or permit]~~ from a justice or municipal court under Article 45.050, Code of Criminal Procedure.
- (b) The department shall reinstate a license ~~[or permit]~~ suspended or reconsider a

license ~~[or permit]~~ denied under Subsection (a) on receiving notice from the justice or municipal court that ordered the suspension or denial that the contemnor has fully complied with the court's order.

**Sec. 543.004. NOTICE TO APPEAR REQUIRED: CERTAIN OFFENSES.**

(a) An officer shall issue a written notice to appear if:

(1) the offense charged is:

(A) speeding;

(B) the use of a wireless communication device under Section 545.4251; or

(C) a violation of the open container law, Section 49.031 [49.03], Penal Code; and

(2) the person makes a written promise to appear in court as provided by Section 543.005.

**Sec. 545.062. FOLLOWING DISTANCE.**

(d) An operator of a vehicle equipped with a connected braking system that is following another vehicle equipped with that system may be assisted by the system to maintain an assured clear distance or sufficient space as required by this section. In this subsection, "connected braking system" means a system by which the braking of one vehicle is electronically coordinated with the braking system of a following vehicle.

**Sec. 545.424. OPERATION OF VEHICLE BY PERSON UNDER 18 YEARS OF AGE.**

(a) A person under 18 years of age may not operate a motor vehicle while using a wireless communication ~~[communications]~~ device, except in case of emergency. This subsection does not apply to a person licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(b) A person under 17 years of age who holds a restricted motorcycle license or moped

license may not operate a motorcycle or moped while using a wireless communication ~~[communications]~~ device, except in case of emergency. This subsection does not apply to a person licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(c) Subsection (a-1) [This section] does not apply to[:

[4)] a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit[; or

[2) a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device].

(g) An offense under Subsection (a) or (b) is a misdemeanor punishable by a fine of at least \$25 and not more than \$99 unless it is shown on the trial of the offense that the defendant has been previously convicted at least one time of an offense under either subsection, in which event the offense is punishable by a fine of at least \$100 and not more than \$200.

**Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE IN A SCHOOL CROSSING ZONE OR WHILE OPERATING A SCHOOL BUS WITH A MINOR PASSENGER; POLITICAL SUBDIVISION SIGN REQUIREMENTS; OFFENSE.**

(a) In this section:

(1) "Hands-free device" means speakerphone capability, ~~[or] a telephone attachment, or another function~~ or other piece of equipment, regardless of whether permanently installed in or on a wireless communication device or in a [the] motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands, except to activate or deactivate a function of the wireless communication device or hands-free device. The term includes voice-

operated technology and a push-to-talk function.

(b-2) A municipality, county, or other political subdivision that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle, including a prohibition that contains an exception for the use of a wireless communication device with a hands-free device, throughout the jurisdiction of the political subdivision is not required to post a sign as required by Subsection (b-1) and shall ~~[if the political subdivision]:~~

(1) post ~~[posts]~~ signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the political subdivision and that state:

(A) that an operator is prohibited from using a wireless communication device while operating a motor vehicle in the political subdivision, and whether use of a wireless communication device with a hands-free device is allowed in the political subdivision; and

(B) that the operator is subject to a fine if the operator uses a wireless communication device while operating a motor vehicle in the political subdivision; and

(2) subject to all applicable United States Department of Transportation Federal Highway Administration rules, post ~~[posts]~~ a message that complies with Subdivision (1) on any dynamic message sign operated by the political subdivision located on a state highway, U.S. highway, or interstate highway in the political subdivision.

**Sec. 545.4251. USE OF PORTABLE WIRELESS COMMUNICATION DEVICE FOR ELECTRONIC MESSAGING; OFFENSE.**

(a) In this section:

(1) "Electronic message" means data that is read from or entered into a wireless communication device for the purpose of

communicating with another person.

(2) "Wireless communication device" has the meaning assigned by Section 545.425.

(b) An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. To be prosecuted, the behavior must be committed in the presence of or within the view of a peace officer or established by other evidence.

(c) It is an affirmative defense to prosecution of an offense under this section that the operator used a portable wireless communication device:

(1) in conjunction with a hands-free device, as defined by Section 545.425;

(2) to navigate using a global positioning system or navigation system;

(3) to report illegal activity, summon emergency help, or enter information into a software application that provides information relating to traffic and road conditions to users of the application;

(4) to read an electronic message that the person reasonably believed concerned an emergency;

(5) that was permanently or temporarily affixed to the vehicle to relay information in the course of the operator's occupational duties between the operator and:

(A) a dispatcher; or

(B) a digital network or software application service; or

(6) to activate a function that plays music.

(d) Subsection (b) does not apply to:

(1) an operator of an authorized emergency or law enforcement vehicle using a portable wireless communication device while acting in an official capacity; or

(2) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device

other than a portable wireless communication device.

(e) An offense under this section is a misdemeanor punishable by a fine of at least \$25 and not more than \$99 unless it is shown on the trial of the offense that the defendant has been previously convicted at least one time of an offense under this section, in which event the offense is punishable by a fine of at least \$100 and not more than \$200.

(f) Notwithstanding Subsection (e), an offense under this section is a Class A misdemeanor punishable by a fine not to exceed \$4,000 and confinement in jail for a term not to exceed one year if it is shown on the trial of the offense that the defendant caused the death or serious bodily injury of another person.

(g) If conduct constituting an offense under this section also constitutes an offense under any other law, the person may be prosecuted under this section, the other law, or both.

(h) The Texas Department of Transportation shall post a sign at each point at which an interstate highway or United States highway enters this state that informs an operator that:

(1) the use of a portable wireless communication device for electronic messaging while operating a motor vehicle is prohibited in this state; and

(2) the operator is subject to a fine if the operator uses a portable wireless communication device for electronic messaging while operating a motor vehicle in this state.

(i) A peace officer who stops a motor vehicle for an alleged violation of this section may not take possession of or otherwise inspect a portable wireless communication device in the possession of the operator unless authorized by the Code of Criminal Procedure, the Penal Code, or other law.

(j) This section preempts all local ordinances, rules, or other regulations adopted by a political subdivision relating to the use of a

portable wireless communication device by the operator of a motor vehicle to read, write, or send an electronic message.

#### **Sec. 547.001. DEFINITIONS.**

(2-b) "Highway maintenance vehicle" means a highway or traffic maintenance vehicle designated by the Texas Department of Transportation. The term includes equipment for:

(A) road maintenance, including:

(i) equipment for snow removal, line striping, skid resistance testing, sweeping, and spraying;

(ii) aerial platform lift machines; and

(iii) road profiler machines; and

(B) off-road use, including motor graders, road rollers, excavators, pneumatic tire equipment, movers, and tractors.

(5-a) "Road machinery" means a self-propelled vehicle that:

(A) was originally and permanently designed as machinery;

(B) is not designed or used primarily to transport persons or property; and

(C) is only incidentally operated on a highway.

(6-a) "Service vehicle" means a highway or traffic maintenance vehicle that:

(A) is owned and operated on a highway by or for a governmental agency and performs a function requiring the use of a lamp or illuminating device in accordance with the standards and specifications adopted under Section 547.105; or

(B) has a public service function, including public utility vehicles, tow trucks, and any vehicle designated as a service vehicle by the Texas Department of Transportation or as an escort flag vehicle under Section 623.099.

**Sec. 547.305. RESTRICTIONS ON USE OF LIGHTS.**

(e) A person may not operate a highway maintenance or service vehicle [equipment, including snow removal equipment,] that is not equipped with lamps or that does not display lighted lamps as required by the standards and specifications adopted by the Texas Department of Transportation.

(e-1) A security patrol vehicle may only be equipped with green, amber, or white lights.

(e-2) A motor vehicle is equipped with a lamp or illuminating device under this section regardless of whether the lamp or illuminating device is:

(1) attached to the motor vehicle temporarily or permanently; or

(2) activated.

(f) In this section:

(1) "Security patrol vehicle" means a motor vehicle being used for the purpose of providing security services by:

(A) a guard company described by Section 1702.108, Occupations Code; or

(B) a security officer as defined by Section 1702.002, Occupations Code.

(2) "Tow ["tow] truck" means a motor vehicle or mechanical device that is adapted or used to tow, winch, or move a disabled vehicle.

**Sec. 547.701. ADDITIONAL EQUIPMENT REQUIREMENTS FOR SCHOOL BUSES AND OTHER BUSES USED TO TRANSPORT SCHOOLCHILDREN.**

(e) In this subsection, "bus" includes a school bus, ~~[and—a]~~ school activity bus, multifunction school activity bus, or school-chartered bus. A bus operated by or contracted for use by a school district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This subsection does not apply to:

(1) a bus purchased by a school district that

is a model year 2017 or earlier; or

(2) a bus purchased by a school district that is a model year 2018 or later if the board of trustees for the school district:

(A) determines that the district's budget does not permit the district to purchase a bus that is equipped with the seat belts required by this subsection; and

(B) votes to approve that determination in a public meeting [applies to:

[(1) each bus purchased by a school district on or after September 1, 2010, for the transportation of schoolchildren; and

[(2) each school-chartered bus contracted for use by a school district on or after September 1, 2011, for the transportation of schoolchildren].

~~(f) A school district is required to comply with Subsection (e) only to the extent that the legislature has appropriated money for the purpose of reimbursing school districts for expenses incurred in complying with Subsection (e).~~

**Sec. 548.203. EXEMPTIONS.**

(a) The commission by rule may exempt a type of commercial motor vehicle from the application of this subchapter if the vehicle:

(1) was manufactured before September 1, 1995;

(2) is operated only temporarily on a highway of this state and at a speed of less than 30 miles per hour; and

(3) complies with Section 548.051 and each applicable provision in Title 49, Code of Federal Regulations.

(b) Notwithstanding Subchapter B, a commercial motor vehicle is not subject to the inspection requirements of this chapter if the vehicle:

(1) is not domiciled in this state;

(2) is registered in this state or under the International Registration Plan as authorized by Section 502.091; and

(3) has been issued a certificate of inspection in compliance with federal motor carrier safety regulations.

(c) A commercial motor vehicle described by Subsection (b) is subject to any fees established by this code that would apply to the vehicle if the vehicle were subject to the inspection requirements of this chapter, including a fee under Section 548.504 or 548.5055.

**Sec. 550.062. OFFICER'S ACCIDENT REPORT.**

(a) A law enforcement officer who in the regular course of duty investigates a motor vehicle accident shall make a written report of the accident if the accident resulted in injury to or the death of a person or damage to the property of any one person to the apparent extent of \$1,000 or more.

(b-1) If the motor vehicle accident involved a combination of vehicles operating under a permit issued under Section 623.402, the report required by Subsection (a) must include the weight and the number of axles of the vehicle combination.

**Sec. 601.053. EVIDENCE OF FINANCIAL RESPONSIBILITY.**

(b) Except as provided by Subsection (c), an operator who does not exhibit evidence of financial responsibility under Subsection (a) is presumed to have operated the vehicle in violation of Section 601.051.

(c) Subsection (b) does not apply if the peace officer determines through use of the verification program established under Subchapter N that financial responsibility has been established for the vehicle. A [if a] peace [officer has access to the verification program, the] officer may not issue a citation for an offense under [a violation of] Section 601.191 [601.054] unless the officer attempts to verify through the verification program that financial responsibility has been established for the vehicle and is unable to make that verification.

**Sec. 601.191. OPERATION OF MOTOR VEHICLE IN VIOLATION OF MOTOR VEHICLE LIABILITY INSURANCE REQUIREMENT; OFFENSE.**

(e) A citation issued for an offense under this section must include an affirmative indication that the peace officer was unable at the time of the alleged offense to verify financial responsibility for the vehicle through the verification program established under Subchapter N.

**Sec. 621.303. MUNICIPAL REGULATION OF LOADS AND EQUIPMENT.**

(a) The governing body of any municipality may regulate the movement and operation on a public road, other than a state highway in the territory of the municipality, of:

- (1) an overweight, oversize, or overlength commodity that cannot reasonably be dismantled; and
- (2) superheavy or oversize equipment for the transportation of an overweight, oversize, or overlength commodity that cannot be reasonably dismantled.

(b) The governing body of a municipality may not, because of weight, regulate the movement and operation on a state highway or county or municipal road of a combination of vehicles operating under a permit issued under Section 623.402.

**Sec. 623.018. COUNTY PERMIT.**

(d) If a vehicle is being operated in compliance with [has] a permit issued under Section 623.011 or 623.402, a commissioners court may not:

- (1) issue a permit under this section or charge an additional fee for or otherwise regulate or restrict the operation of the vehicle because of weight; or
- (2) require the owner or operator to:
  - (A) execute or comply with a road use agreement or indemnity agreement;
  - (B) [-to] make a filing or application; or

(C) ~~[, or to]~~ provide a bond or letter of credit, other than the bond or letter of credit prescribed by Section 623.012 for a vehicle issued a permit under Section 623.011.

**Sec. 623.019. VIOLATIONS OF SUBCHAPTER; OFFENSES.**

(f) A justice or municipal court ~~[of the peace]~~ has jurisdiction of an [any] offense under this section. ~~[A municipal court has jurisdiction of an offense under this section in which the fine does not exceed \$500.]~~

**Sec. 623.070. NONAPPLICABILITY OF SUBCHAPTER.**

This subchapter does not apply to the transportation of an intermodal shipping container as defined by Section 623.401, regardless of whether the container is sealed or unsealed.

**SUBCHAPTER U. INTERMODAL SHIPPING CONTAINERS.**

**Sec. 623.401. DEFINITION.**

In this subchapter, "intermodal shipping container" means an enclosed, standardized, reusable container that:

- (1) is used to pack, ship, move, or transport cargo;
- (2) is designed to be carried on a semitrailer and loaded onto or unloaded from:
  - (A) a ship or vessel for international transportation; or
  - (B) a rail system for international transportation; and
- (3) when combined with vehicles transporting the container, has a gross weight or axle weight that exceeds the limits allowed by law to be transported over a state highway or county or municipal road.

**Sec. 623.402. ISSUANCE OF PERMIT.**

(a) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

(1) the gross weight of the combination does not exceed 93,000 pounds;

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;

(3) the truck-tractor is configured as follows:

(A) one single axle that does not exceed 13,000 pounds;

(B) one two-axle group that does not exceed 37,000 pounds, in which no axle in the group exceeds 18,500 pounds; and

(C) the distance between the individual axles on the two-axle group of the truck-tractor, measured longitudinally, is not less than 51 inches and not more than 52 inches; and

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 49,195 pounds, in which no axle in the group exceeds 16,400 pounds; and

(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

(b) The department may issue an annual permit authorizing the movement of a sealed intermodal shipping container moving in international transportation by a truck-tractor and semitrailer combination that has seven total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

(1) the gross weight of the combination does not exceed 100,000 pounds;



(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 612 inches;

(3) the truck-tractor is configured as follows:

(A) one single axle that does not exceed 15,000 pounds;

(B) one three-axle group that does not exceed 44,500 pounds, in which no axle in the group exceeds 14,900 pounds; and

(C) the distance between the individual axles on the three-axle group of the truck-tractor, measured longitudinally, is not less than 51 inches and not more than 52 inches; and

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 46,200 pounds, in which no axle in the group exceeds 15,400 pounds; and

(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

(c) For purposes of Subsections (a) and (b), the gross weight, group weights, and axle weights listed in those subsections include all enforcement tolerances.

**Sec. 623.403. COUNTY AND MUNICIPALITY DESIGNATION.**

(a) An applicant for a permit under this subchapter must designate each county and municipality in which the permit will be used.

(b) A permit issued under this subchapter is not valid in a county or municipality that is not designated in the permit application.

**Sec. 623.404. PERMIT FEE.**

(a) An application for a permit under Section 623.402(a) or (b) must be accompanied by a permit fee of \$6,000, of which:

(1) 50 percent shall be deposited to the credit of the state highway fund;

(2) 30 percent shall be equally divided among and distributed to each county designated in the permit application;

(3) 16 percent shall be equally divided among and distributed to each municipality designated in the permit application; and

(4) 4 percent shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

(b) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (a) to the county treasurer or office performing the function of that office for deposit to the credit of the county road and bridge fund.

(c) At least once each fiscal year, the comptroller shall send the amount due each municipality under Subsection (a) to the office performing the function of treasurer for the municipality. A municipality may use funds received under this subsection only to fund commercial motor vehicle enforcement programs or road or bridge maintenance or infrastructure projects.

(d) Notwithstanding Subsection (a), the amount of a fee under Subsection (a) to accompany a permit application that is received on or after January 1, 2028, must be determined by the department after consultation with The University of Texas Center for Transportation Research and the Texas A&M Transportation Institute.

**Sec. 623.405. ROUTE RESTRICTIONS.**

(a) A permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on:

(1) the national system of interstate and defense highways; or

(2) load-restricted roads or bridges, including a road or bridge for which a maximum weight and load limit has been established and posted by the Texas Department of Transportation under Section 621.102 or the commissioners court of a county under Section 621.301.

(b) Subject to Section 623.406, a permit issued under this subchapter authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation.

**Sec. 623.406. PERMIT CONDITIONS.**

(a) In this section:

(1) "Port authority" means a port authority or navigation district created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(2) "Port of entry" has the meaning assigned by Section 621.001.

(b) The transportation of a sealed intermodal shipping container under a permit issued under this subchapter:

(1) must begin or end at a port authority or port of entry that is located in a county contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf; and

(2) may not exceed 30 miles from the port authority or port of entry and must be on a highway or road described by Section 623.405(b).

(c) In addition to the requirements of Subsection (b), the intermodal shipping container must be continuously sealed from the point of origin to the point of destination with a seal that is required by:

(1) the United States Customs and Border Protection;

(2) the United States Food and Drug Administration; or

(3) federal law or regulation.

(d) A permit issued under this subchapter does not authorize the transportation of a material designated as of January 1, 2017, as a hazardous material by the United States secretary of transportation under 49 U.S.C. Section 5103(a).

(e) A permit issued under this subchapter does not authorize the transportation of a sealed intermodal shipping container in a

county that borders New Mexico and the United Mexican States.

**Sec. 623.407. PERMIT STICKER.**

(a) When the department issues a permit under this subchapter, the department shall issue a sticker to be placed on the front windshield of the truck-tractor. The department shall design the form of the sticker to aid in the enforcement of weight limits.

(b) The sticker must:

(1) indicate the expiration date of the permit; and

(2) be removed from the truck-tractor when:

(A) the permit for operation of the truck-tractor expires;

(B) a lease of the truck-tractor expires; or

(C) the truck-tractor is sold.

**Sec. 623.408. PERMIT AND WEIGHT RECORD DOCUMENTS.**

(a) A permit issued under this subchapter must be carried in the truck-tractor for which the permit is issued.

(b) A copy of the weight record in the form prescribed by the department must contain the information required by Section 621.410(c) and must be:

(1) carried in the truck-tractor if the truck-tractor is:

(A) on a public highway or road; and

(B) transporting an intermodal shipping container that contains cargo; and

(2) presented, on request, to an officer authorized to enforce this subtitle, regardless of whether a weight record is required under Section 621.410.

**Sec. 623.409. OFFENSE.**

(a) A person commits an offense if the person fails to:

(1) display the sticker described by Section 623.407(a) in the manner required by that section;

(2) carry a permit issued under this subchapter as required by Section 623.408(a); or

(3) carry or present a weight record as required by Section 623.408(b).

(b) An offense under this section is a Class C misdemeanor.

**Sec. 644.102. MUNICIPAL AND COUNTY ENFORCEMENT REQUIREMENTS.**

(f-1) A municipality or county that retains a fine from the enforcement of this chapter shall annually file with the comptroller a report that details the amount of fines retained from the enforcement of this chapter and the actual expenses claimed by the municipality or county for the enforcement of this chapter during the previous fiscal year. A municipality or county that fails to file a report as required by this subsection shall send to the comptroller for deposit to the credit of the Texas Department of Transportation an amount equal to the amount retained by the municipality or county in the fiscal year the report would cover.

(f-2) The comptroller shall adopt rules as necessary to implement and enforce Subsection (f-1).

**Sec. 681.012. SEIZURE AND REVOCATION OF PLACARD.**

(b) On seizure of a placard under Subsection (a) or (a-1), a placard is revoked. A [On request of the] person from whom the placard was seized may apply for a new placard by submitting an application under Section 681.003[, the department shall conduct a hearing and determine whether the revocation should continue or the placard should be returned to the person and the revocation rescinded].

**Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT.**

(a) A political subdivision shall immediately notify the department that there is no cause to continue to deny renewal of a person's driver's license based on the person's previous failure to appear or failure to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a), on payment of a fee as provided by Section 706.006 and:

(1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;

(2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose, other than a dismissal with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;

(3) the posting of bond or the giving of other security to reinstate the charge for which the warrant was issued;

(4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or

(5) other suitable arrangement to pay the fine and cost within the court's discretion.

(b) The department may not continue to deny the renewal of the person's driver's license under this chapter after the department receives notice:

(1) under Subsection (a);

(2) that the person was acquitted of the charge on which the person failed to appear;

(3) that the charge on which the person failed to appear was dismissed with prejudice by motion of the appropriate prosecuting attorney for lack of evidence; or

(4) [(3)] from the political subdivision that the failure to appear report or court order to pay a fine or cost relating to the person:

(A) was sent to the department in error; or

(B) has been destroyed in accordance with the political subdivision's records retention policy.

**Sec. 706.006. PAYMENT OF ADMINISTRATIVE FEE.**

(a) Except as provided by Subsection (d), a [A] person who fails to appear for a complaint or citation for an offense described by Section 706.002(a) shall be required to pay an administrative fee of \$30 for each complaint or citation reported to the department under this chapter, unless;

(1) the person is acquitted of the charges for which the person failed to appear;

(2) the charges on which the person failed to appear were dismissed with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;

(3) the failure to appear report was sent to the department in error; or

(4) the case regarding the complaint or citation is closed and the failure to appear report has been destroyed in accordance with the applicable political subdivision's records retention policy.

(a-1) A [The] person who is required to pay a fee under Subsection (a) shall pay the fee when:

(1) the court enters judgment on the underlying offense reported to the department;

(2) the underlying offense is dismissed, other than a dismissal described by Subsection (a)(2); or

(3) bond or other security is posted to reinstate the charge for which the warrant was issued.

(b) Except as provided by Subsection (d), a [A] person who fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders shall be required to pay an administrative fee of \$30.

(d) If the court having jurisdiction over the underlying offense makes a finding that the person is indigent, the person may not be required to pay an administrative fee under

this section. For purposes of this subsection, a person is presumed to be indigent if the person:

(1) is required to attend school full time under Section 25.085, Education Code;

(2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or

(3) receives assistance from:

(A) the financial assistance program established under Chapter 31, Human Resources Code;

(B) the medical assistance program under Chapter 32, Human Resources Code;

(C) the supplemental nutrition assistance program established under Chapter 33, Human Resources Code;

(D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or

(E) the child health plan program under Chapter 62, Health and Safety Code.

**Sec. 708.052. ASSIGNMENT OF POINTS FOR CERTAIN CONVICTIONS.**

(e-1) Notwithstanding Subsection (b), the department may not assign points to a person's license if the offense of which the person was convicted is the offense of using a portable wireless communication device for electronic messaging as described by Section 545.4251.

**Sec. 708.103. SURCHARGE FOR CONVICTION OF DRIVING WHILE LICENSE INVALID OR WITHOUT FINANCIAL RESPONSIBILITY.**

(a) Except as provided by Subsection (a-1), each [Each] year the department shall assess a surcharge on the license of each person who during the preceding 36-month period has been convicted of an offense

under Section 521.457, 601.191, or 601.371.

(a-1) The department may not assess a surcharge on the license of a person based on an offense under Section 601.191 if the person proves to the department under Section 601.231(b) that the person had financial responsibility at the time the offense was alleged to have occurred.

**Sec. 728.022. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE.**

(a) A person may not sell or transfer a marked patrol car or other law enforcement motor vehicle to the public unless the person first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, or emergency vehicle equipment.

(b) A person may not sell or transfer a marked patrol car or other law enforcement motor vehicle to a security services contractor who is regulated by the Department of Public Safety and licensed under Chapter 1702, Occupations Code, unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer.

(c) A person who sells or transfers a marked patrol car or other law enforcement motor vehicle to the public in violation of this section is liable:

(1) for damages proximately caused by the use of that vehicle during the commission of a crime; and

(2) to this state for a civil penalty of \$1,000.

(d) The attorney general may bring an action to recover the civil penalty imposed under Subsection (c)(2).

## WATER CODE

Section	Bill Modifying
7.187	HB 1619

## WATER CODE

~~plastics, non-wood construction or demolition materials, heavy oils, asphaltic materials, potentially explosive materials, furniture, carpet, chemical wastes, or items containing natural or synthetic rubber].~~

### Sec. 7.187. PENALTIES.

(b) Notwithstanding Section 7.177(a)(5), conviction for an offense under Section 382.018, Health and Safety Code, is punishable as:

(1) a Class C misdemeanor if the violation is a first violation and does not involve the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes ~~[waste is not a substance described by Subdivision (3)]~~;

(2) a Class B misdemeanor if the violation is a second or subsequent violation and:

(A) the violation does not involve the burning of:

(i) substances described by Subdivision (1); or

(ii) insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, furniture, carpet, or items containing natural or synthetic rubber; or

(B) the violation involves the burning of substances described by Paragraph (A)(ii) and none of the prior violations involved the burning of substances described by Subdivision (1) or Paragraph (A)(ii) [under Subdivision (4)]; or

(3) a Class A misdemeanor if the violation:

(A) involves the burning of substances described by Subdivision (1); or

(B) is a second or subsequent violation and involves the burning of substances described by Subdivision (2)(A)(ii) and one or more of the prior violations involved the burning of substances described by Subdivision (1) or (2)(A)(ii) [tires, insulation on electrical wire or cable, treated lumber,

## SB 47 (bill not codified)

S.B. No. 47

### AN ACT

relating to a study on the availability of information regarding convictions and deferred dispositions for certain misdemeanors punishable by fine only.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) The Office of Court Administration of the Texas Judicial System shall conduct a study on how records regarding misdemeanors punishable by fine only, other than traffic offenses, are held in different Texas counties.

(b) The study must address, with respect to each county:

(1) the public availability of conviction records for misdemeanors punishable by fine only;

(2) the public availability of records relating to suspension of sentence and deferral of final disposition under Article 45.051, Code of Criminal Procedure, for misdemeanors punishable by fine only;

(3) the public availability of records described by Subdivision (1) or (2) of this subsection that are related to a child younger than 18 years of age;

(4) whether public access to and availability of records described by Subdivisions (1)-(3) of this subsection have been expanded or restricted by the county over time;

(5) whether local agencies holding records described by Subdivisions (1)-(3) of this subsection destroy those records;

(6) the reasons and criteria for any destruction of records described by Subdivisions (1)-(3) of this subsection; and

(7) the retention schedule of each local agency holding records described by Subdivisions (1)-(3) of this subsection, if the agency routinely destroys those records.

(c) Not later than January 1, 2019, the Office of Court Administration shall issue a report on the study required under this section to the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the house of representatives and the senate.

(d) This section expires September 1, 2019.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.



## SENATE BILLS

Bill	Section(s) Affected	Effective Date
<b>SB 4</b>	<b>Code of Criminal Procedure</b> Art. 2.13 Art. 2.251 Art. 17.16 <b>Government Code</b> Sec. 402.0241 Sec. 752.051 Sec. 752.052 Sec. 752.053 Sec. 752.054 Sec. 752.055 Sec. 752.056 Sec. 752.057 Sec. 772.0073 <b>Local Government Code</b> Sec. 87.031 <b>Penal Code</b> Sec. 39.07	September 1, 2017
<b>SB 8</b>	<b>Health &amp; Safety Code</b> Sec. 697.001 Sec. 697.002 Sec. 697.003 Sec. 697.004 Sec. 697.005 Sec. 697.006 Sec. 697.007 Sec. 697.008 Sec. 697.009	September 1, 2017
<b>SB 12</b>	<b>Government Code</b> Sec. 772.0073	May 27, 2017
<b>SB 42</b>	<b>Code of Criminal Procedure</b> Art. 102.017 <b>Election Code</b> Sec. 13.0021 Sec. 15.0215 <b>Government Code</b> Sec. 51.971 Sec. 56.003 Sec. 56.004 Sec. 72.015 Sec. 72.016 Sec. 74.092 Sec. 101.1411	September 1, 2017

Bill	Section(s) Affected	Effective Date
SB 42	Sec. 158.001 Sec. 158.002 Sec. 158.003 Sec. 411.0485 Sec. 552.117 Sec. 572.002 Sec. 572.035 <b>Local Government Code</b> Sec. 133.058 <b>Occupations Code</b> Sec. 1701.267 <b>Property Code</b> Sec. 11.008 <b>Tax Code</b> Sec. 25.025 <b>Transportation Code</b> Sec. 521.121	September 1, 2017
SB 43	<b>Government Code</b> Sec. 57.002 Sec. 157.001 Sec. 157.101	September 1, 2017
SB 44	<b>Election Code</b> Sec. 141.032 Sec. 141.034 Sec. 172.021	May 23, 2017
SB 47	N/A	September 1, 2017
SB 239	<b>Code of Criminal Procedure</b> Art. 49.51 Art. 49.52	September 1, 2017
SB 256	<b>Code of Criminal Procedure</b> Art. 56.81 Art. 56.82 Art. 56.83 Art. 56.90 <b>Election Code</b> Sec. 13.004 <b>Tax Code</b> Sec. 25.025	May 19, 2017
SB 257	<b>Code of Criminal Procedure</b> Art. 7A.07 <b>Family Code</b> Sec. 85.025	September 1, 2017

Legislative Update: 85th Regular Session (2017)

<b>Bill</b>	<b>Section(s) Affected</b>	<b>Effective Date</b>
<b>SB 259</b>	<b><i>Government Code</i></b> Sec. 62.0132	September 1, 2017
<b>SB 291</b>	<b><i>Code of Criminal Procedure</i></b> Art. 24.011 Art. 24.111 Art. 24.12 Art. 24.14 Art. 24.22 Art. 24.221 Art. 24.222	September 1, 2017
<b>SB 312</b>	<b><i>Transportation Code</i></b> Sec. 228.0546 Sec. 228.0547	<b>September 1, 2017</b>
<b>SB 344</b>	<b><i>Health &amp; Safety Code</i></b> Sec. 573.0001 Sec. 573.001 Sec. 573.002 Sec. 573.005 Sec. 573.021	<b>June 9, 2017</b>
<b>SB 413</b>	<b><i>Code of Criminal Procedure</i></b> Art. 103.0081	September 1, 2017
<b>SB 500</b>	<b><i>Code of Criminal Procedure</i></b> Art. 42.0196 <b><i>Government Code</i></b> Sec. 601.011 Sec. 810.002	<b>June 6, 2017</b>
<b>SB 510</b>	<b><i>Tax Code</i></b> Sec. 25.025	<b>May 27, 2017</b>
<b>SB 631</b>	<b><i>Code of Criminal Procedure</i></b> Art. 47.01a Art. 47.02	September 1, 2017
<b>SB 693</b>	<b><i>Transportation Code</i></b> Sec. 547.701	September 1, 2017
<b>SB 762</b>	<b><i>Health &amp; Safety Code</i></b> Sec. 821.023	September 1, 2017
<b>SB 920</b>	<b><i>Property Code</i></b> Sec. 24A.001 Sec. 24A.002 Sec. 24A.0021	September 1, 2017

Legislative Update: 85th Regular Session (2017)

<b>Bill</b>	<b>Section(s) Affected</b>	<b>Effective Date</b>
<b>SB 920</b>	Sec. 24A.003 Sec. 24A.004 Sec. 24A.005 Sec. 24A.006	September 1, 2017
<b>SB 944</b>	<b><i>Civil Practice &amp; Remedies Code</i></b> REPEALS Sec. 36.001 – 36.008 Sec. 36A.001 Sec. 36A.002 Sec. 36A.003 Sec. 36A.004 Sec. 36A.005 Sec. 36A.006 Sec. 36A.007 Sec. 36A.008 Sec. 36A.009 Sec. 36A.010 Sec. 36A.011	<b>June 1, 2017</b>
<b>SB 966</b>	<b><i>Alcoholic Beverage Code</i></b> Sec. 106.04 Sec. 106.05	September 1, 2017
<b>SB 1138</b>	<b><i>Government Code</i></b> Sec. 411.441 Sec. 411.442 Sec. 411.443 Sec. 411.444 Sec. 411.445 Sec. 411.446 Sec. 411.447 Sec. 411.448 Sec. 411.449	September 1, 2017
<b>SB 1152</b>	<b><i>Education Code</i></b> Sec. 25.087	<b>May 28, 2017</b>
<b>SB 1187</b>	<b><i>Transportation Code</i></b> Sec. 601.053 Sec. 601.191 Sec. 708.103	<b>June 1, 2017</b>
<b>SB 1232</b>	<b><i>Health &amp; Safety Code</i></b> Sec. 821.023	September 1, 2017
<b>SB 1253</b>	<b><i>Code of Criminal Procedure</i></b> Art. 2.32	September 1, 2017

<b>Bill</b>	<b>Section(s) Affected</b>	<b>Effective Date</b>
<b>SB 1304</b>	<b><i>Code of Criminal Procedure</i></b> Art. 62.007 <b><i>Family Code</i></b> Sec. 58.001 Sec. 58.002 Sec. 58.0021 Sec. 58.004 Sec. 58.005 Sec. 58.0052 Sec. 58.007 Sec. 58.008	September 1, 2017
<b>SB 1326</b>	<b><i>Code of Criminal Procedure</i></b> Art. 15.17 Art. 16.22 Art. 17.032 <b><i>Government Code</i></b> Sec. 72.032 Sec. 121.003 <b><i>Health &amp; Safety Code</i></b> Sec. 574.034 Sec. 614.0032	September 1, 2017
<b>SB 1501</b>	<b><i>Occupations Code</i></b> Sec. 2303.151 Sec. 2308.205 Sec. 2308.210 Sec. 2308.258 Sec. 2308.259	June 15, 2017
<b>SB 1524</b>	<b><i>Transportation Code</i></b> Sec. 550.062 Sec. 621.303 Sec. 623.018 Sec. 623.019 Sec. 623.070 Sec. 623.401	January 1, 2018
<b>SB 1576</b>	<b><i>Code Of Criminal Procedure</i></b> Art. 17.03	September 1, 2017
<b>SB 1599</b>	<b><i>Health &amp; Safety Code</i></b> Sec. 1001.241	September 1, 2017
<b>SB 1630</b>	<b><i>Health &amp; Safety Code</i></b> Sec. 711.001 Sec. 711.004 Sec. 711.010 Sec. 711.011	September 1, 2017

Legislative Update: 85th Regular Session (2017)

<b>Bill</b>	<b>Section(s) Affected</b>	<b>Effective Date</b>
<b>SB 1630</b>	Sec. 711.0111 Sec. 711.041 Sec. 712.0441	September 1, 2017
<b>SB 1849</b>	<b>Code Of Criminal Procedure</b> Art. 16.23	September 1, 2017
<b>SB 1911</b>	<b>Government Code</b> Sec. 51.808 <b>Local Government Code</b> Sec. 323.021 Sec. 323.023	September 1, 2017
<b>SB 1913</b>	<b>Code Of Criminal Procedure</b> Art. 17.42 Art. 14.06 Art. 27.14 Art. 43.09 Art. 45.014 Art. 45.016 Art. 45.041 Art. 45.0425 Art. 45.045 Art. 45.046 Art. 45.048 Art. 45.049 Art. 45.0491 Art. 45.0492 Art. 45.051 Art. 45.0511 Art. 103.0031 <b>Transportation Code</b> Sec. 502.010 Sec. 706.005 Sec. 706.006	September 1, 2017
<b>SB 2053</b>	<b>Local Government Code</b> Sec. 133.102	June 15, 2017
<b>SB 2065</b>	<b>Business &amp; Commerce Code</b> Sec. 17.45 Sec. 17.46 <b>Finance Code</b> Sec. 348.014 Sec. 353.017 <b>Occupations Code</b> Sec. 953.251 Sec. 2308.205 Sec. 2308.258	September 1, 2017

Legislative Update: 85th Regular Session (2017)

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<b>Bill</b>	<b>Section(s) Affected</b>	<b>Effective Date</b>
<b>SB 2065</b>	Sec. 2308.259	September 1, 2017
<b>SB 2075</b>	<i>Transportation Code</i> Sec. 502.057	September 1, 2017

# HOUSE BILLS

Bill	Section(s) Affected	Effective Date
HB 9	<b>Penal Code</b> Sec. 33.01 Sec. 33.23 Sec. 33.24	September 1, 2017
HB 29	<b>Business &amp; Commerce Code</b> Sec. 102.101 Sec. 102.102	September 1, 2017
HB 51	<b>Parks &amp; Wildlife Code</b> Sec. 76.0205 Sec. 76.101 Sec. 76.118 Sec. 76.119 Sec. 76.301	September 1, 2017
HB 62	<b>Transportation Code</b> Sec. 543.004 Sec. 545.424 Sec. 545.425 Sec. 545.4251 Sec. 708.052	September 1, 2017
HB 245	<b>Code of Criminal Procedure</b> Art. 2.139 Art. 2.1395 Art. 2.13951 Art. 2.1396 (was Art. 2.139)	September 1, 2017
HB 297	<b>Government Code</b> Sec. 662.065	September 1, 2017
HB 351	<b>Code of Criminal Procedure</b> Art. 102.0071 <b>Penal Code</b> Sec. 32.21	September 1, 2017
HB 431	<b>Government Code</b> Sec. 27.055	May 29, 2017
HB 435	<b>Civil Practice &amp; Remedies Code</b> Sec. 112.001 <b>Government Code</b> Sec. 411.179 Sec. 411.1882 Sec. 411.201	September 1, 2017



Legislative Update: 85th Regular Session (2017)

<b>Bill</b>	<b>Section(s) Affected</b>	<b>Effective Date</b>
<b>HB 435</b>	Sec. 411.209 <b>Health &amp; Safety Code</b> Sec. 552.002 <b>Penal Code</b> Sec. 30.06 Sec. 30.07 Sec. 46.01 Sec. 46.035 Sec. 46.15	September 1, 2017
<b>HB 457</b>	<b>Tax Code</b> Sec. 25.025	<b>June 15, 2017</b>
<b>HB 478</b>	<b>Civil Practice &amp; Remedies Code</b> Sec. 92A.001 Sec. 92A.002 Sec. 92A.003	September 1, 2017
<b>HB 501</b>	<b>Government Code</b> Sec. 572.023 Sec. 572.0295	<b>January 8, 2019</b>
<b>HB 557</b>	<b>Code of Criminal Procedure</b> Art. 55.01 Art. 55.02 Art. 102.006 <b>Government Code</b> Sec. 27.031 Sec. 103.02101	September 1, 2017
<b>HB 590</b>	<b>Civil Practice &amp; Remedies Code</b> Sec. 78A.001 Sec. 78A.002	September 1, 2017
<b>HB 681</b>	<b>Code of Criminal Procedure</b> Art. 45.0218	September 1, 2017
<b>HB 683</b>	<b>Local Government Code</b> Sec. 341.904 <b>Penal Code</b> Sec. 37.12	September 1, 2017
<b>HB 799</b>	<b>Code of Criminal Procedure</b> Art. 49.07 <b>Government Code</b> Sec. 27.0545	September 1, 2017
<b>HB 873</b>	<b>Code of Criminal Procedure</b> Art. 2.1305	September 1, 2017

Legislative Update: 85th Regular Session (2017)

<b>Bill</b>	<b>Section(s) Affected</b>	<b>Effective Date</b>
<b>HB 1066</b>	<b><i>Civil Practice &amp; Remedies Code</i></b> Sec. 31.002	<b>June 15, 2017</b>
<b>HB 1099</b>	<b><i>Property Code</i></b> Sec. 92.015	September 1, 2017
<b>HB 1128</b>	<b><i>Civil Practice &amp; Remedies Code</i></b> Sec. 34.041 Sec. 51.002 <b><i>Tax Code</i></b> Sec. 34.01 Sec. 34.07	September 1, 2017
<b>HB 1247</b>	<b><i>Occupations Code</i></b> Sec. 2303.151	<b>June 15, 2017</b>
<b>HB 1249</b>	<b><i>Health &amp; Safety Code</i></b> Sec. 773.017	September 1, 2017
<b>HB 1266</b>	<b><i>Code of Criminal Procedure</i></b> Art. 29.035	September 1, 2017
<b>HB 1463</b>	<b><i>Human Resources Code</i></b> Sec. 121.004 Sec. 121.0041	September 1, 2017
<b>HB 1503</b>	<b><i>Code of Criminal Procedure</i></b> Art. 63.0041 Art. 63.009	September 1, 2017
<b>HB 1545</b>	<b><i>Transportation Code</i></b> Sec. 1701.1525	September 1, 2017
<b>HB 1619</b>	<b><i>Health &amp; Safety Code</i></b> Sec. 382.018 <b><i>Water Code</i></b> Sec. 7.187	September 1, 2017
<b>HB 1727</b>	<b><i>Code of Criminal Procedure</i></b> Art. 18.01	September 1, 2017
<b>HB 1735</b>	<b><i>Election Code</i></b> Sec. 162.014	September 1, 2017
<b>HB 1774</b>	<b><i>Insurance Code</i></b> Sec. 541.156 Sec. 542.060 Sec. 542A.001 Sec. 542A.002	September 1, 2017

Legislative Update: 85th Regular Session (2017)

<b>Bill</b>	<b>Section(s) Affected</b>	<b>Effective Date</b>
<b>HB 1774</b>	Sec. 542A.003 Sec. 542A.004 Sec. 542A.005 Sec. 542A.006 Sec. 542A.007	September 1, 2017
<b>HB 1790</b>	<b>Transportation Code</b> Sec. 681.012	September 1, 2017
<b>HB 1793</b>	<b>Transportation Code</b> Sec. 548.203	<b>May 26, 2017</b>
<b>HB 1819</b>	<b>Penal Code</b> Sec. 46.05	September 1, 2017
<b>HB 1884</b>	<b>Health &amp; Safety Code</b> Sec. 365.012 Sec. 365.016	September 1, 2017
<b>HB 1935</b>	<b>Penal Code</b> Sec. 46.02 Sec. 46.03 Sec. 46.15	September 1, 2017
<b>HB 1983</b>	<b>Labor Code</b> Sec. 408.006 Sec. 504.019	September 1, 2017
<b>HB 2009</b>	<b>Parks &amp; Wildlife Code</b> Sec. 62.014	<b>June 9, 2017</b>
<b>HB 2059</b>	<b>Alcoholic Beverage Code</b> Sec. 106.12	September 1, 2017
<b>HB 2065</b>	<b>Transportation Code</b> Sec. 644.102	September 1, 2017
<b>HB 2552</b>	<b>Property Code</b> Sec. 93.013	September 1, 2017
<b>HB 2619</b>	<b>Government Code</b> Sec. 772.0073 Sec. 772.0074	September 1, 2017
<b>HB 2812</b>	<b>Transportation Code</b> Sec. 547.305	<b>September 1, 2018</b>
<b>HB 2908</b>	<b>Code of Criminal Procedure</b> Art. 42.014	September 1, 2017

Legislative Update: 85th Regular Session (2017)

<b>Bill</b>	<b>Section(s) Affected</b>	<b>Effective Date</b>
<b>HB 2908</b>	<b><i>Penal Code</i></b> Sec. 20.02 Sec. 22.01 Sec. 22.07 Sec. 49.09	September 1, 2017
<b>HB 3042</b>	<b><i>Government Code</i></b> Sec. 662.066	<b>June 15, 2017</b>
<b>HB 3050</b>	<b><i>Transportation Code</i></b> Sec. 521.001 Sec. 521.0475 Sec. 521.121 Sec. 521.1211 Sec. 521.204 Sec. 521.222 Sec. 521.271 Sec. 521.272 Sec. 521.3451 Sec. 545.424	September 1, 2017
<b>HB 3087</b>	<b><i>Transportation Code</i></b> Sec. 547.001 Sec. 547.305	September 1, 2017
<b>HB 3165</b>	<b><i>Code of Criminal Procedure</i></b> Art. 15.17 Art. 15.21 Art. 27.18	September 1, 2017
<b>HB 3167</b>	<b><i>Code of Criminal Procedure</i></b> Art. 103.0033	<b>June 1, 2017</b>
<b>HB 3223</b>	<b><i>Local Government Code</i></b> Sec. 272.006 <b><i>Transportation Code</i></b> Sec. 728.022	September 1, 2017
<b>HB 3237</b>	<b><i>Code of Criminal Procedure</i></b> Art. 18.01 Art. 18.10	<b>May 26, 2017</b>
<b>HB 3272</b>	<b><i>Code of Criminal Procedure</i></b> Art. 45.050 <b><i>Transportation Code</i></b> Sec. 521.292 Sec. 521.294 Sec. 521.300 Sec. 521.314	September 1, 2017

Legislative Update: 85th Regular Session (2017)

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<b>Bill</b>	<b>Section(s) Affected</b>	<b>Effective Date</b>
<b>HB 3654</b>	<i>Transportation Code</i> Sec. 547.001	September 1, 2017
<b>HB 3879</b>	<i>Property Code</i> Sec. 24.011	September 1, 2017

# Chart of New Fine-Only Offenses 2017

CODE & SECTION	BILL	DESCRIPTION	PENALTY
Business & Commerce Code Sec. 102.102 (eff. 3/1/19)	HB 29	A person commits an offense if the person: (1) is an owner or operator of a sexually oriented business; and (2) fails to post the sign required by Section 102.101 in compliance with that section and rules adopted under that section. (A sexually oriented business shall post by the sink area in each restroom on the premises one sign that directs a victim of human trafficking to contact the National Human Trafficking Resource Center. Except as provided by rules adopted by the attorney general, the sign must be 11 inches by 17 inches in size.)	Class C misdemeanor (\$0.01-\$500.00)
Family Code Sec. 264.7551	HB 4	A person commits an offense if, with intent to defraud or deceive the Department of Family and Protective Services, the person knowingly makes or causes to be made a false statement or misrepresentation of a material fact that allows a person to enter into a caregiver assistance agreement.	Class C misdemeanor (\$0.01-\$500.00) if the person entered into a fraudulent caregiver assistance agreement and received no monetary assistance under the agreement or received monetary assistance under the agreement for less than 7 days.
Health & Safety Code Sec. 773.017	HB 1249	A person may not operate a motor vehicle in this state that resembles an emergency medical services vehicle unless the person uses the motor vehicle: (1) as an emergency medical services vehicle; or (2) for other legitimate governmental functions, including police or firefighting services.  A motor vehicle resembles an emergency medical services vehicle if the motor vehicle has on the exterior of the motor vehicle any of the following markings or features: (1) the word "ambulance" or a derivation of that word; (2) a star of life as trademarked by the National Highway Traffic Safety Administration; (3) a Maltese cross commonly used by fire departments; (4) forward-facing flashing red, white, or blue lights; (5) a siren; (6) the words "critical care transport," "emergency," "emergency medical services," or "mobile intensive care unit"; or (7) the acronym "EMS" or "MICU".  This section does not apply to a motor vehicle bearing a license plate issued or approved under Section 504.501 or 504.502.	Class C misdemeanor (\$0.01-\$500.00)

Occupations Code Sec. 2308.210	SB 1501	<p>A towing company or towing operator commits an offense if the company or operator violates a provision of an order establishing a program under this section relating to:</p> <p>(1) the presence of a tow truck at the scene of an incident on a freeway or other area under the jurisdiction of the program; or</p> <p>(2) the offering of towing or related services on a freeway or other area under the jurisdiction of the program.</p> <p><b>NOTE:</b> Only applies to counties adjacent to counties with a population of 3.3 million or more whose commissioners establish a program:</p> <p>(1) for maintaining the safe movement of traffic on county freeways; and</p> <p>(2) under which a peace officer designated by the sheriff's office or the commissioners court is authorized to direct, at the scene of an incident or remotely, a towing company, only for the purpose of the program, to:</p> <p>(A) remove from a freeway, including the shoulder of a freeway, a vehicle that is impeding the safe movement of traffic; and</p> <p>(B) relocate the vehicle to the closest safe location for the vehicle to be stored.</p>	Fine of no less than \$1 and not to exceed \$200.
Penal Code Sec. 33.023	HB 9	<p>A person commits an offense if the person intentionally alters data as it transmits between two computers in a computer network or computer system through deception and without a legitimate business purpose.</p> <p>A person commits an offense if the person intentionally introduces ransomware onto a computer, computer network, or computer system through deception and without a legitimate business purpose.</p>	Class C misdemeanor (\$0.01-\$500.00) unless the defendant acted with the intent to defraud or harm another the person and the aggregate value of the harm cannot readily be determined or is less than \$100; or the defendant knowingly restricted a victim's access to privileged information.
Penal Code Sec. 33.024	HB 9	<p>A person commits an offense if the person intentionally decrypts encrypted private information through deception and without a legitimate business purpose.</p> <p>It is a defense to prosecution under this section that the actor's conduct was pursuant to an agreement entered into with the owner for the purpose of:</p> <p>(1) assessing or maintaining the security of the information or of a computer, computer network, or computer system; or</p> <p>(2) providing other services related to security.</p>	Class C misdemeanor (\$0.01-\$500.00) unless the defendant acted with the intent to defraud or harm another the person and the aggregate value of the harm cannot readily be determined or is less than \$100; or the defendant knowingly decrypted privileged information.
Penal Code Sec. 46.02 (a-4)	HB 1935	<p>A person commits an offense if the person:</p> <p>(1) intentionally, knowingly, or recklessly carries on or about his or her person a location-restricted knife;</p>	Class C misdemeanor (\$0.01-\$500.00)

		<p>(2) is younger than 18 years of age at the time of the offense; and is not:</p> <p>(A) on the person's own premises or premises under the person's control;</p> <p>(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; or</p> <p>(C) under the direct supervision of a parent or legal guardian of the person.</p>	
<p>Penal Code Sec. 46.03 (a)(1) and (a-1)</p>	<p>HB 1935</p>	<p>A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife:</p> <p>(1) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;</p> <p>(2) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a location-restricted knife is used in the event;</p> <p>(3) on the premises of a correctional facility;</p> <p>(4) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the person has written authorization of the hospital or nursing facility administration, as appropriate;</p> <p>(5) on the premises of a mental hospital, as defined by Section 571.003, Health and Safety Code, unless the person has written authorization of the mental hospital administration;</p> <p>(6) in an amusement park; or</p> <p>(7) on the premises of a church, synagogue, or other established place of religious worship.</p> <p>A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife:</p> <p>(1) on the premises of a polling place on the day of an election or while early voting is in progress;</p> <p>(2) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;</p> <p>(3) on the premises of a racetrack;</p> <p>(4) in or into a secured area of an airport; or</p> <p>(5) within 1,000 feet of premises the location of which is designated by the TDCJ as a place of execution, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that it was prohibited.</p> <p><b>NOTE:</b> This section does not apply to an individual carrying a location-restricted knife used in a historical demonstration or in a ceremony in which the knife is significant to the performance of the ceremony.</p>	<p>Class C misdemeanor (\$0.01-\$500.00)</p>



Transportation Code Sec. 228.0547	SB 312	<p>A person who receives two or more invoices for unpaid tolls, including a lessee or transferee under Section 228.055(d-1) or (e) or a person who receives an invoice from an entity under Section 228.059, and who has not paid the amount due within 30 days of the date of the second invoice commits an offense. A person may not be convicted of more than one offense under this subsection in a 12-month period.</p> <p>The court in which a person is convicted of an offense shall collect the unpaid tolls and administrative fees and forward the amounts to the department.</p>	Fine not to exceed \$250.
Transportation Code Sec. 545.4251	HB 62	<p>An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped.</p> <p>This offense does not apply to:</p> <ol style="list-style-type: none"> <li>(1) an operator of an authorized emergency or law enforcement vehicle using a portable wireless communication device while acting in an official capacity; or</li> <li>(2) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a portable wireless communication device.</li> </ol> <p><b>DEFENSE:</b> the operator used a portable wireless communication device:</p> <ol style="list-style-type: none"> <li>(1) in conjunction with a hands-free device, as defined by Section 545.425;</li> <li>(2) to navigate using a GPS or navigation system;</li> <li>(3) to report illegal activity, summon emergency help, or enter information into a software application that provides information relating to traffic and road conditions to users of the application;</li> <li>(4) to read an electronic message that the person reasonably believed concerned an emergency;</li> <li>(5) that was permanently or temporarily affixed to the vehicle to relay information in the course of the operator's occupational duties between the operator and: <ol style="list-style-type: none"> <li>(A) a dispatcher; or</li> <li>(B) a digital network or software application service; or</li> </ol> </li> <li>(6) to activate a function that plays music.</li> </ol>	<p>Misdemeanor punishable by a fine of at least \$25 and not more than \$99 unless it is shown on the trial of the offense that the defendant has been previously convicted at least one time of an offense under this section, in which event the offense is punishable by a fine of at least \$100 and not more than \$200.</p> <p>An offense under this section is a Class A misdemeanor if it is shown on the trial of the offense that the defendant caused the death or serious bodily injury of another person.</p>
Transportation Code Sec. 623.409	SB 1524	<p>A person commits an offense if the person fails to:</p> <ol style="list-style-type: none"> <li>(1) display the sticker described by Section 623.407(a) in the manner required by that section;</li> <li>(2) carry a permit issued under this subchapter as required by Section 623.408(a); or</li> <li>(3) carry or present a weight record as required by Section 623.408(b).</li> </ol>	Class C misdemeanor (\$0.01-\$500.00)