

Constable Legislative Updates: 2023 Session

Justices of the Peace & Constable's Association

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Agenda

Intro

2023 Session Bills

Reminders

Supreme Court Update

Intro

JPCA Constable Legislative Committee

Const. Carlos B. Lopez (Chair) *Travis County*

Const. Buck Stevens (Vice-Chair) *Brazoria County*

Jama Pantel *Travis County CN office, Pct. 5*

Const. Justin West *Galveston County*

Const. Georgia Estrada *Potter County*

Const. Sammy Knapp *Collin County*

Const. Larry Gallardo *Hidalgo County*

Const. Chad Jordan *Hood County*

Const. Mike Truitt *Denton County*

Const. Michael Orozco *Dallas County*

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Resources

- Texas Justice Court Training Center: <https://www.tjctc.org/>
 - Legal Resources > Additional Resources > Legislative Materials
- Texas Legislature Online:
<https://capitol.texas.gov/Home.aspx>
 - Can look up bills by number or by search terms.
 - See “How to Use Texas Legislature Online” handout.
- Texas Constitution and Statutes:
<https://statutes.capitol.texas.gov/>
 - When a statute has been changed but the changes aren’t integrated yet, there will be a note and a link to the relevant bill immediately above the statute.
 - Reminder on how to navigate this site in TJCTC’s *The People’s Court: Overview, Resources, and Ethics* self-paced module (Part 3: Resources That Will Help You Do Your Job):
<https://www.tjctc.org/onlinelearning/selfpacedmodules.html>

Abbreviations

SB

Senate Bill

HB

House Bill

EC

Education Code

PC

Penal Code

CCP

Code of Criminal Procedure

CPRC

Civil Practice and Remedies Code

HSC

Health and Safety Code

LGC

Local Government Code

Abbreviations continued

PWC

Parks & Wildlife Code

OC

Occupations Code

GC

Government Code

FC

Family Code

DPS

Department of Public Safety

TCOLE

Texas Commission on Law Enforcement

TxDOT

Texas Department of Transportation

TxDMV

Texas Department of Motor Vehicles

Bills Filed Comparison

88th Regular Session - 2023										
Status	HB	HCR	HJR	HR	SB	SCR	SJR	SR	Total HB & SB	Total
Introduced	5413	123	206	2543	2633	62	93	734	8046	11807
Passed	744	65	7	2461	502	35	6	730	1246	4550
Vetoed	22	0	n/a	n/a	54	0	n/a	n/a	76	76

87th Regular Session - 2021										
Status	HB	HCR	HJR	HR	SB	SCR	SJR	SR	Total HB & SB	Total
Introduced	4671	119	163	2100	2256	60	58	573	6927	10000
Passed	587	54	4	2055	486	46	4	568	1073	3804
Vetoed	12	0	n/a	n/a	8	0	n/a	n/a	20	20

86th Regular Session - 2019										
Status	HB	HCR	HJR	HR	SB	SCR	SJR	SR	Total HB & SB	Total
Introduced	4765	186	147	2217	2559	68	70	865	7324	10877
Passed	969	102	7	2155	460	23	3	862	1429	4581
Vetoed	41	2	n/a	n/a	15	0	n/a	n/a	56	58

Bill Effective Dates

All bills, unless otherwise noted, take effect on September 1, 2023.

General Officeholding

SB 22 Rural LE Grant

SB 29 Covid Policy

SB 232 Removal from Office

SB 997 Kobe and Gianna Bryant Act

SB 1124 Sheriff Qualifications

SB 1893 TikTok Ban

SB 30 “Dead Suspect” Loophole

HB 471 First Responder Benefits

HB 1133 Peace Officer Volunteers

HB 1661 Age of Peace Officer

HB 2468 Workers Comp

HB 4906 “Authorized Peace Officer”

Rural LE Grant

SB 22

- Amends the LGC to create a grant program to provide state funding to increase salaries, increase staffing, and purchase safety equipment for sheriff offices, constables offices, and prosecutor offices.
- The state grant program shall be established and administered by the Comptroller for counties or jurisdictions with populations of 300,000 or less. This threshold level includes 236 counties and 295 district and county prosecutor offices.
- The funding for this program is part of the state's base budget and intended to be perpetual.

Rural LE Grant (2)

SB 22

- For constables, a county with a population of 300,000 or less may apply for grant funding to provide a salary of \$45,000 to a qualified constable.
- A qualified constable means a constable elected to an office created before **January 1, 2023**, who primarily makes motor vehicle stops in the routine performance of their duties.
- Raising a qualified constable's salary to \$45,000 is the only allowable use of the grant and will only cover 25 percent of the total necessary for each constable. If a county chooses to apply for grant funding for this purpose, the county must agree to contribute 75 percent of the funding necessary to reach that level for each constable they fund with grant dollars.

Covid Policy

SB 29

- S.B. 29 amends current law relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.
- Amends Subtitle D, Title 2, Health and Safety Code, by adding Chapter 81B

Removal from Office

SB 232

- In 2017, the 85th Legislature passed S.B. 500, to institute several ethics reforms designed to build the public's trust in their elected officials and governmental institutions. However, those rules are currently missing in state law for local elected officials.

Removal from Office (2)

SB 232

- Extends the same expulsion requirement to a person holding an elected or appointed office of a political subdivision to be automatically removed from and vacate the office upon either
 - (1) pleading guilty or nolo contendere,
 - (2) receiving deferred adjudication, or
 - (3) conviction
 - For one of the eight offenses related to public corruption.
 - These eight offenses are the same offenses that make public officers ineligible for retirement benefits as enacted under S.B. 500.
- In addition, to prevent unnecessary delays in filling the vacancy, it requires the governing body to initiate the process to fill the vacancy soon after the officer is removed.

Kobe and Gianna Bryant Act

SB 997

- Amends current law relating to the publication of certain photographs of human remains by certain individuals for a purpose other than an authorized purpose and provides a civil penalty.
- By making changes to the HSC, it addresses the publication of photographs of human remains by first responders, coroners, medical examiners, law enforcement, and others who would, in their official capacity, have access to the scene of an accident or crime at which a dead or dismembered body is likely to be present.

Kobe and Gianna Bryant Act (2)

SB 997

- Creates a criminal offense, *a state jail felony*, if a person publishes a photograph of human remains that the person obtained while acting as a first responder, coroner, medical examiner, or employee of those offices
- Defines publication of the photograph as:
 - Displaying it to another person
 - Sending it to another person by text message
 - Publishing it on a social media platform
 - Selling it to a news publication
 - Using it in a movie or documentary

Kobe and Gianna Bryant Act (3)

SB 997

- Also creates an affirmative defense for first responders and medical examiners and others covered under the legislation if the photo is published for official law enforcement or medical purposes. This protects the use of such photographs in court, the transmission of photos digitally between first responders, and the use of such photographs in academic pursuits connected to work as a first responder, coroner, etc.
- Creates a civil cause of action for persons who are victimized by the publication of photos of human remains of a loved one. Governmental units are jointly and severally liable for damages resulting from the unlawful distribution of photos containing human remains, with a damages cap of \$100,000 proposed to be enshrined in statute.

Sheriff Qualifications

SB 1124

- Makes changes to current law under the LGC to amend qualifications of a sheriff or a candidate for sheriff.
- The new requirements include requiring the candidate to hold an active permanent peace officer license and have at least five years of experience as a full-time paid peace officer or federal special investigator.
- Also allows veterans with ten years combined active duty or national guard service experience, while holding an intermediate, advanced, or master proficiency certificate, the ability to be a candidate for sheriff.

TikTok Ban

SB 1893

- Amends current law relating to prohibiting the use of social media applications and services on devices owned or leased by governmental entities.
- Bans government entities from downloading or using TikTok on any government-issued devices, including cell phones, laptops, tablets, desktop computers, and other devices capable of Internet connectivity.
- Each government entity shall adopt a policy governing the ban of TikTok on government issued devices.

TikTok Ban (2)

SB 1893

- DPS and Texas Department of Information Resources (TDIR) has already developed a model plan for other governmental entities.
- ***Effective Immediately***

“Dead Suspect” Loophole

HB 30

- Information held by law enforcement or a prosecutor that deals with the detection, investigation, or prosecution of a crime is protected from public disclosure under the Public Information Act if it does not result in a conviction or deferred adjudication.
- This measure was intended to protect the innocent suspect who is investigated for a crime but never convicted or is acquitted at trial. However, this protection has been used in cases where the suspect dies before an investigation or prosecution effort can be completed.

“Dead Suspect” Loophole (2)

HB 30

- Closes the "dead suspect" loophole by providing an exception to the exception if the subject of the information is deceased or incapacitated and each other person mentioned in the information consents to its release.
- Amends GC 552.108 by adding Subsection (d)

First Responder Benefits

HB 471

- Requires a county or municipality to provide full paid leave of absence for at least one year to a first responder for an injury or illness related to the person's line of duty.
- Requires that the first responder be reinstated to their same rank after recovering, provided they are able to perform the same essential functions.

Peace Officer Volunteers

HB 1133

- Amends current law relating to an exemption from the application of the Private Security Act for volunteer security services provided at certain places or events.
- Allows any peace officer to provide voluntary security services at schools, school functions, and places of worship (in uniform) with the approval of the chief administrator of the officer's employing law enforcement agency.
- Amends OC

Age of Peace Officer

HB 1661

- Amends current law relating to the age limit for a beginning position in a police department under municipal civil service.
- Amends the LGC by repealing the section prohibiting a person who is 45 years of age or older from being certified for a beginning position in a municipal civil service police department.
- Current law prohibits a person who is 45 years of age or older from being certified for a beginning position in a civil service police department. This bill would help make the potential pool of new candidates larger.

Workers Comp

HB 2468

- Relating to the eligibility of an injured employee for lifetime income benefits under the workers' compensation system.
- Amends the Labor Code to revise eligibility requirements for lifetime income benefits for first responders who sustain qualifying injuries.
- Amends the descriptions of certain compensable conditions including a physically traumatic injury to the brain, a third degree burn or serious bodily injury sustained during the course and scope of employment or volunteer service that renders the person permanently unemployable.

Workers Comp (2)

HB 2468

- Requires the Texas Department of Insurance to accelerate disputes and mandates annual certification by the employee to the insurance carrier of non-employment during the preceding year.
- Also specifies circumstances that allow the carrier to review the employee's continuing eligibility not more than once every five years or suspend payment for failure to certify eligibility without good cause.

“Authorized Peace Officer”

HB 4906

- Amends current law relating to the installation and use of tracking equipment and access to certain communications by certain peace officers.
- Current law does not explicitly authorize school or university police officers to apply for or be issued a search warrant for the collection of certain electronic evidence, meaning that if they do the evidence could be suppressed.
- Revises the definition of "authorized peace officer" for purposes of provisions relating to the installation and use of tracking equipment and access to certain communications.
- Amends CCP Art. 18B.001(1)

SB 224 Catalytic Converters

SB 1551 False Identity

SB 914 Temporary Tags

Theft & Fraud

Catalytic Converters

SB 224

- Relating to catalytic converters, including criminal conduct involving catalytic converters; providing an administrative penalty; creating a criminal offense; increasing a criminal penalty; increasing a fee.
- ***Parts of the bill are effective immediately (Changes to PC) and parts will go into effect July 1, 2023 (Changes to OC)***
- Creates a presumption of illegal possession for those who possess two or more catalytic converters ("CCs"), adds a specific theft offense in the PC for catalytic converter theft, and creates a penalty enhancement for those who possess a firearm while committing the theft.

Catalytic Converters (2)

SB 224

- It amends the PC to create a presumption that someone in possession of two or more CCs, which have been removed from vehicles, obtained the CCs unlawfully unless it can be proven that they are the owners of the CCs.
- It lists CCs specifically in the theft statute when the value of the stolen property is less than \$30,000 at this value the penalty is a *state jail felony*. Creating the theft offense in the PC allows it to fit into the PC's value ladder.
- If the value of multiple stolen CCs exceeds \$30,000, the offense becomes a *third-degree felony*.
- If the value exceeds \$150,000 the offense becomes a *second-degree felony*.
- If the value exceeds \$300,000, the offense becomes a *first-degree felony*.

False Identity

SB 1551

- Relating to the prosecution of the criminal offense of failure to identify; creating a new criminal offense.
- Goal is to prevent a person from using the name of another person to avoid detention or arrest. Also helps prevent the victimization of the person whose identity has been fraudulently used.
- A person who is stopped by law enforcement and cannot or does not present their driver's license to an officer, is now required to provide, in addition to a name, other identifying information upon the request of an officer.

False Identity (2)

SB 1551

- Information requested is identifying information that appears on a driver's license, including driver's name, address, date of birth, and driver's license number, in addition to their photograph.
- Law enforcement can access driver license information, including the photograph of the licensed driver, on their in-car computers. If the photograph retrieved does not match or resemble the person who has been detained, the officer has reason to pursue the true identity of the person detained, including arrest.
- This is consistent with existing law that requires a person to identify himself when requested to do so by an officer, providing a *Class C misdemeanor* under PC 38.02.

False Identity (3)

SB 1551

- A person does not commit an offense if the address given by a driver does not match the information that appears on a driver's license.
- Amends PC 38.02 by adding Subsections (b-1), (b-2), (d-1), and (f) and amending Subsection (c)

Temporary Tags/Tampering

HB 914

- Classifies temporary vehicle tags as governmental records
- Seeks to deter the production or use of fraudulent temporary motor vehicle tags by:
 - including both a temporary motor vehicle registration tag and a temporary motor vehicle license tag in the definition of "governmental record";
 - specifying that tampering with either would constitute a *Class A misdemeanor* offense; and
 - including such an offense among the offenses for which a peace officer may issue a citation containing notice to appear instead of taking the actor before a magistrate, if the offense occurred in the county where the offender resides.
- Amends CCP Art. 14.06(d), PC 37.01(2) to redefine "governmental record." - Amends PC 37.10(c) by amending Subdivision (1) and adding Subdivision (6)

Miscellaneous Criminal

SB 1004 Ankle Monitors

SB 402 Trial Preference

SB 1308 Unmanned Aircraft

SB 1364 Electric Trucks

HB 598 Animal Possession

HB 3660 Non-Livestock Animals

SB 372 Judicial Work Product

Ankle Monitors

SB 1004

- Made changes to CCP and PC to amend current law relating to creating the criminal offense of tampering with an electronic monitoring device and to certain consequences on conviction of that offense.
- Previously it was a technical violation of parole and not a criminal offense to tamper or destroy an ankle monitor.
- Creates a criminal offense if a person knowingly removes or disables an electronic tracking device that the person is required to wear to enable the electronic monitoring of the person's location.
- An offense under this bill would be a *state jail felony*, unless the person is in a super-intensive supervision program in which case it would be a *third-degree felony*.

Trial Preference

SB 402

- Relating to the preference given by trial courts to hearings and trials for murder and capital murder offenses.
- Expands GC 23.101(a), relating to the preference given by trial courts to certain hearings and trials, to include murder and capital murder offenses.
- The bill is responsive to COVID-19 court backlogs that have delayed some murder and capital murder cases significantly, raising concerns such delay could result in lost evidence, witness disappearance, and other prosecutorial impairments.

Unmanned Aircraft

SB 1308

- Makes changes to the PC and GC to amend current law relating to the operation of an unmanned aircraft over an airport or military installation and creates a criminal offense.
- Creates an offense for knowingly or intentionally flying an unmanned aircraft over or near a military installation or airport.
- The penalty for such offense is a *Class B misdemeanor* but is a *Class A misdemeanor* if the offender has been previously convicted under this section.
- Creates a defense to prosecution if done by a law enforcement agency.

Electric Trucks

SB 1364

- Amends the TC relating to weight limitations for certain natural gas or electric vehicles.
- Increases the maximum gross vehicle weight for electric semitrucks to 82,000 pounds.
- Allows electric and natural gas semitrucks to exceed the current overall gross weight limit for comparable conventional fuel vehicles by up to 2,000 pounds.

Animal Possession

HB 598

- Amends current law relating to creating the criminal offense of possession of an animal by a person who has been previously convicted of an offense involving animal cruelty.
- Helps reduce the possibility of animal cruelty cases occurring by creating an offense for individuals with a history of animal cruelty who own or share a residence with pets by:
 - Creating a *Class C misdemeanor* offense for possessing or exercising control over an animal for any person who within the past five years was convicted of an attack on an assistance animal, cruelty to nonlivestock animals, dog fighting, or of a similar federal law or law of another state; and
 - Establishing that any subsequent conviction for the wrongful possession of an animal by a person convicted of animal cruelty would be a *Class B misdemeanor*.

Non-Livestock Animals

HB 3660

- Relating to a defense to prosecution for the offense of cruelty to non-livestock animals under certain circumstances.
- Clarifies that persons who bring in feral cats as a part of a TNR (trap, neuter, release) program, then release them, are not abandoning the animals under animal cruelty law.
- This allows TNR programs to achieve their long-term population control goals without fear of prosecution for animal cruelty.

Judicial Work Product

SB 372

- Creates a new Class A Misdemeanor offense for violating the confidentiality of judicial work product
- Added GC 21.013
- The Supreme Court must adopt rules for this as soon as practicable after 9/1/2023

Public Safety & Traffic

SB 386 Crimes Against LE

HB 165 Mass Shooting

HB 898 Move Over/Slow Down

HB 1442 Street Racing

HB 2899 Street Racing – Impound

SB 947 Attacks on Electrical Grid

SB 904 Accessible Parking Spaces

Crimes Against LE

SB 386

- Relating to the prosecution of a capital murder committed against a peace officer or fireman.
- Previously, state law had no presumption of knowledge that the accused knew a uniformed victim was an officer acting in accordance with their lawful duties.
- Amends the PC to establish a presumption, for purposes of prosecuting capital murder committed against a peace officer or fireman acting in the lawful discharge of an official duty, that the actor knew the person murdered was a peace officer or fireman if the person was wearing a distinctive uniform or badge indicating the person's employment as a peace officer or fireman.
- ***The bill applies only to an offense committed on or after the bill's effective date.***

Mass Shooting

HB 165

- Relating to the prosecution of and punishment for an aggravated assault occurring as part of a mass shooting; increasing a criminal penalty.
- Due to the lack of a definition for mass shooting in state law, courts are unable to assess the appropriate punishments for mass shooting crimes where people are hurt or injured, but not killed.
- Incidents where four or more people are targeted or injured that do not result in the death of victims are charged as assaults with a deadly weapon, which is a *second-degree felony* and carries a sentence range of two to 20 years.
- In addition, these offenses are ineligible to be served consecutively when they arise from the same criminal episode.

Mass Shooting (2)

HB 165

- Amends current law relating to the prosecution of and punishment for an aggravated assault occurring as part of a mass shooting and increases a criminal penalty.
- Amends PC 1.07(a) by adding Subdivision (30-a) to define "mass shooting."
- Amends PC 3.03 by amending Subsection (a) and adding Subsection (c)
- Amends PC 3.04(c) to provide that the right to severance under Section 3.04 (Severance) does not apply to a prosecution for offenses described by certain statutes, including Section 3.03(c), unless the court determines that the defendant or the state would be unfairly prejudiced by a joinder of offenses, in which event the judge is authorized to order the offenses to be tried separately or to order other relief as justice requires.
- Amends PC 22.02(b) to provide that an offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if certain criteria are met, including if the actor commits the assault as part of a mass shooting.

Move Over/Slow Down

HB 898

- Amends current law relating to the offense of passing certain vehicles on a highway and increases a criminal penalty.
- Under current law, drivers who fail to move over or slow down can receive a ticket with a fine up to \$200. If there is a crash that causes injury to any of those protected under the Move Over or Slow Down law, drivers can be fined up to \$2,000.
- Amends TC 545.157 to change the penalty structure for those who are ticketed for violating the law.

Move Over/Slow Down (2)

HB 898

- Also allows the court to suspend a person's driver's license for up to six months if they had been previously convicted of an offense under this section.
- Increases the penalty for causing injury to a *Class A misdemeanor*, which carries possible jail time for an individual convicted for violating the law.
- Gives the court the discretion to reduce or discharge all or part of the fine and court costs based on the violator's life situation.

Street Racing

HB 1442

- Amends current law relating to the prosecution of certain criminal conduct involving a reckless driving exhibition or racing on a highway and to the forfeiture of contraband as a result of a reckless driving exhibition.
- Creates a new section of code under the obstructing a highway or other passageway statute that will allow for vehicles and other contraband being used during street takeovers to be seized by law enforcement.
- It adds the reckless driving exhibition statutes from PC 42.03 to the engaging in organized criminal activity statute.
- Makes changes to CCP and PC

Street Racing - Impound

HB 2899

- Amends TC to enable a motor vehicle used in the commission of the offense of street/drag racing to be removed from the road.
- As the statute currently reads, the vehicle in question may be impounded if the offense committed results in property damage or personal injury.
- This bill expands the authority of a peace officer to impound a vehicle. Thus, a peace officer shall require that the vehicle be removed from the road if one is caught drag racing, racing, or the like, on a highway, even if that offense does not result in property damage or bodily harm.
- The vehicle in question shall be taken to the nearest licensed vehicle storage facility unless the vehicle is seized as evidence.
- ***Effective Immediately***

Attacks on Electric Grid

SB 947

- Relating to creating a criminal offense for damaging certain critical infrastructure facilities and providing for the prosecution of that conduct as manslaughter in certain circumstances; increasing a criminal penalty.
- Creates a new criminal offense in the PC relating to intentional attacks on critical infrastructure facilities.
- Added a separate, express prohibition and penalty for attacks on electric grid infrastructure that result in a power outage lasting more than 24 hours.

Attacks on Electric Grid (2)

SB 947

- Intentional attacks on critical electric infrastructure can be prosecuted as a *second-degree felony*.
- An intentional attack on such infrastructure could be prosecuted as a *first-degree felony* if it results in the death of any individual, is committed using a firearm or explosive, or causes damage to critical infrastructure in an amount of \$100,000 more.

Accessible Parking Spaces

SB 904

- Relating to the offense of the unauthorized use of parking designated for persons with disabilities.
- H.B. 3163 from the 86th Legislature changed the requirements for how accessible parking spaces are designated. TDLR made the changes in their requirements. However, TDLR only inspects 'new builds' for compliance. Due to this, some local law enforcement agencies are no longer ticketing because the spaces do not meet the current (*new*) standards and some judges stopped accepting cases if the signs don't meet standards.
- Changes to the TC enacting a minimum enforcement standard that allows for both the old and new standards to continue to protect parking access for persons with disabilities.

Drugs, Alcohol, & Illegal Substances

SB 497 Kratom

SB 1319 Drug Overdose Reporting

HB 6 Fentanyl

HB 1163 Boating While Intoxicated

Kratom

SB 497

- Relating to the processing and sale of kratom and kratom products; providing civil penalties; creating a criminal offense.
- Establishes a base level of regulation on the sale of kratom in Texas by requiring proper labeling of kratom products with use instructions and recommended serving size, prohibiting the sale of adulterated or contaminated kratom or kratom with abnormal alkaloid levels, limiting the sale of kratom only to adults, and establishing escalating civil penalties for violations.
- Amends Subtitle A, Title 6, Health and Safety Code, by adding Chapter 444

Drug Overdose Reporting

SB 1319

- Relating to the reporting of certain overdose information and the mapping of overdoses for public safety purposes.
- Authorizes a public health authority, local health authority or law enforcement agency to provide overdose information to a governmental entity that maintains a computerized system for mapping overdoses of one or more controlled substances for public safety purposes.
- Information that is eligible to be disclosed to the system must be specific to the overdose and may not include any personal information of the victim.
- Seeks to address the rise in overdose cases in Texas due to fentanyl poisoning of drug users by identifying overdose spike areas, so that overdose response resources may be more effectively deployed.

Fentanyl

HB 6

- Relating to the designation of fentanyl poisoning or fentanyl toxicity for purposes of the death certificate and to the criminal penalties for certain controlled substance offenses; increasing a criminal penalty.
- Increases criminal penalties for the manufacture or delivery of fentanyl, expanding the conduct to constitute murder.
- Authorizes a medical examiner to use “fentanyl poisoning” as an alternative to “fentanyl toxicity” on the death certificate.
- Amends HSC & PC

Boating While Intoxicated

HB 1163

- Relating to creating the criminal offense of boating while intoxicated with a child passenger; changing the eligibility for deferred adjudication community supervision.
- Under current law, both boating and driving while intoxicated are misdemeanor offenses. For driving while intoxicated, if a child younger than 15 is a passenger in the vehicle, then the offense is punishable as a *state jail felony*.
- Creates the same *state jail felony* offense for boating while intoxicated with a child passenger, which can be enhanced to a *third-degree felony* based on prior convictions for similar intoxication-related offenses.

Boating While Intoxicated (2)

HB 1163

- This enhancement is comparable to the enhancement for the charge of driving while intoxicated with a child passenger.
- A court may impose the installation of an interlock device as a condition of community supervision for the offense, and in certain instances is required to impose such a condition.
- Makes changes to PC, CCP, ABC, PWC, and TC

Family Violence & Sexual Assault

SB 48 Protective Orders – Forms

SB 660 Protective Orders – Registry

SB 1423 Protective Orders – Extension

HB 1427 Harassment

SB 806 LE Interactions with Victims

SB 1325 Victims of Domestic Violence

SB 1401 Victim Rights

SB 2085 Crime Victim Notification

HB 55 Indecent Assault

HB 1769 Crimes Against Children

HB 467 Assaultive Conduct

SB 1361 “Deep Fake”

Protective Orders – Forms

SB 48

- Relating to the issuance and effectiveness of protective orders, magistrate's orders for emergency protection, and temporary ex parte orders.
- Requires persons applying for protective orders (PO), courts, and magistrates issuing POs to use standardized forms, allowing DPS to discern immediately if a protective order prohibits a person from possessing a firearm. Failure, however, to use the required form does not affect the order's validity.
- Allows DPS to transfer the information regarding these orders quickly and efficiently to the FBI's database and help better protect the lives of crime victims.

Protective Orders – Registry

HB 660

- Establishes requirements for a law enforcement agency regarding entering protective order information into the agency's computer records and into the statewide law enforcement information system.
- Provides for the enforcement of temporary ex parte orders and for the notification to applicable recipients of a change of address or telephone number of a person protected by a protective order.
- Amends FC

Protective Orders - Extension

HB 1423

- Amends current law relating to the expiration of a protective order when the subject of the protective order is confined or imprisoned.
- State law provides for the extension of a protective order if the person who is the subject of the order is incarcerated on the date of expiration or if the order is set to expire within a year from the date the person is released from incarceration.
- Sets out requirements for providing information regarding the expiration and any possible extensions of a protective order and for the DPS to update the statewide law enforcement information system to reflect the expiration date of a protective order following the release of a person subject to the order.
- Amends FC

Harassment

HB 1427

- Amends current law relating to the prosecution of the offense of harassment.
- Addresses the harassment loophole from "burners" in PC 42.07(a) by adding an act of harassment to include obscene, intimidating, or threatening phone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means as an offense.
- Expands the types of harassment acts considered an offense.

LE Interactions with Victims

SB 806

- Relating to the duties of peace officers regarding interactions with victims of sexual assault.
- Under current statute, when law enforcement responds to domestic violence calls, they must provide the victims with a written notification of their rights.
- Provides the same for survivors of sexual assault by making changes in the CCP to mirror the language already available for domestic violence victims

Victims of Domestic Violence

SB 1325

- Relating to the notice given to certain victims of family violence, stalking, harassment, or terroristic threat.
- Directs HHSC to use best practices to create a notice with standardized information to assist victims of family violence across the state.
- The written notice will include contact information for the National Domestic Violence Hotline, Texas Department of Public Safety victims' support services, HHSC's family violence program, crime victims' rights and localized information for community resources for safety planning, shelter and protection.
- Amends the CCP to mandate peace officers to provide the notice to possible victims of family violence.
- Amends the EC to mandate campus peace officers to provide the notice when responding to a disturbance call involving family violence.

Victim Rights

SB 1401

- Relating to the rights of victims of sexual assault and to certain procedures and reimbursements occurring with respect to a sexual assault or other sex offense.
- Requires health care providers to conduct forensic medical examinations on minor victims of sexual assault, regardless of their arrival time, if consent is given by either the victim, an authorized person, or an employee of DFPS.

Victim Rights (2)

SB 1401

- For adult victims of sexual assault, the healthcare providers are ***required*** to perform an examination if they arrive within 120 hours of the assault or are referred by a law enforcement agency or medical professional, and consent is given by the victim or an authorized person.
- A law enforcement agency is also ***required*** to refer a victim of sexual assault for a forensic medical examination within 120 hours if the assault is reported within that time, or at any point in time if the victim is a minor.

Victim Rights (3)

SB 1401

- If the victim is not a minor but did not report the assault within the 120-hour period, the agency *may* refer the victim if they believe it could aid in an investigation or prosecution.
- Provides that the victim is entitled to reimbursement for the reasonable costs of other medical care provided during the forensic medical examination and for any prescribed continuing medical care provided within the 30-day period following the examination, including medication and medical testing, as set by the Attorney General's rules. It establishes that sexual assault survivors who undergo a forensic medical exam have cooperated with law enforcement for purposes of accessing the Crime Victim's Compensation Fund.

Victim Rights (4)

SB 1401

- Clarifies that system-generated emails or text communications from Track-Kit or information viewable to the user in Track-Kit meets DPS notification requirements in cases in which the survivor has not reported the sexual assault to law enforcement before the evidence is destroyed according to current law.
- This change helps not only ensure that DPS can process notifications efficiently but also that survivors have control over the preservation of their evidence and can exercise their legal rights.
- Makes changes to CCP, FC, GC, HSC, and OC

Crime Victim Notification

SB 2085

- Amends current law relating to a grant program for crime victim notification systems.
- Establishes a grant fund in the Governor's Office Criminal Justice Division (CJD) to help law enforcement agencies implement an electronic notification system that would inform victims of their rights and provide them with important data. Outlines parameters of what information the automated system has to provide and the guidelines for how the CJD must establish and administer the program, including requiring the CJD to provide an annual report to the legislature with certain information.
- Optional participation program for law enforcement agencies.
- Adds GC 772.0079

Indecent Assault

HB 55

- Relating to the punishment for the criminal offense of indecent assault; increasing a criminal penalty.
- Under current law, there is no penalty enhancement for the offense of indecent assault, even in the case of multiple, similar attacks on a variety of individuals or assaults committed within a fiduciary relationship.
- Amends the PC to enhance the penalty for indecent assault from a *Class A misdemeanor* to a *state jail felony* if it is shown on the trial of the offense that:
 - the defendant has been previously convicted of the offense; or
 - the defendant is a health care services provider or a mental health services provider and committed the offense during the course of providing a treatment or service to the victim and beyond the scope of generally accepted practices for the treatment or service.

Indecent Assault (2)

HB 55

- If the defendant has been previously convicted of the offense involving such conduct as a health care services provider or mental health services provider, the penalty is enhanced to a *third-degree felony*.
- Amends PC 22.012 by changing Subsection (b) and adding Subsection (d)

Crimes Against Children

HB 1769

- Relating to the statute of limitations for certain offenses committed against children.
- Extends the statute of limitations period for certain offenses committed against children and makes related revisions.
- Removes the requirement that the victim of sexual performance by a child was younger than 17 years old at the time the offense was committed.
- Extends the statute of limitations for the offense of trafficking persons with the intent that the trafficked person or child engage in forced labor to 20 years from the 18th birthday of the victim.

Assaultive Conduct

HB 467

- Amends CCP to extend the statute of limitations for certain family violence related assaultive offenses.
- Extends from three years to five years the statute of limitations on family violence related felony assaults, aggravated assaults, or continuous violence against family offenses in the PC. Also extends from two years to three years the statute of limitations on family violence related misdemeanor assaults.
- These changes recognize that in cases of spousal and family violence, the victim may delay reporting the violence out of fear of retaliation.

“Deep Fake”

SB 1361

- Amends CCP to include the unlawful production or distribution of sexually explicit videos using deep fake technology and creates a criminal offense of a *Class A misdemeanor*.
- Deep fake pornography is when the likeness of one person is digitally altered to look like someone else and is inserted into a video in which sexual conduct is occurring or intimate parts are exposed.
- Makes it a criminal offense if, without the effective consent of the person appearing to be depicted, the person knowingly produces or distributes by electronic means a deep fake video that appears to depict the person with the person's intimate parts exposed or engaged in sexual conduct.

Kids & Schools

SB 37 Hazing

SB 133 Classroom Restraint

SB 1760 Guns in Schools

HB 1819 Juvenile Curfews

HB 2660 Missing Children/Persons

HB 3186 Youth Diversion

HB 3 School Safety Meetings

Hazing

SB 37

- Relating to the criminal offense of hazing.
- *S.B. 38 (2019) represented a significant overhaul of Texas' anti-hazing law. Concerns have been raised, however, regarding a few ambiguities in provisions of the law meant to incentivize reporting by offering criminal and civil immunity to persons who notify appropriate officials of hazing acts and cooperate with investigations.*
- Clarifies that hazing reports for purposes of immunity or simply to avoid the "failure to report" personal hazing offense may be made to university officials or to law enforcement; and
- Clarifies that persons who may receive immunity includes corporations and other entities that support student organizations.

Classroom Restraint

SB 133

- Relating to prohibiting the physical restraint of or use of chemical irritants or Tasers on certain public-school students by peace officers and school security personnel under certain circumstances.
- By regulating the use of restraints, schools will be able to provide safer environments, especially in light of the dangers and significance of restraints.
- Amends the EC to prohibit school security personnel and peace officers from physically restraining or using chemical irritant spray on students enrolled in fifth grade or below ~~10 years or younger~~, unless the student poses a serious risk of harm to themselves or another person.

Classroom Restraint (2)

SB 133

- Applies on school property or at a school-sponsored or school related event.
- Amends current law relating to prohibiting the physical restraint of or use of chemical irritants or Tasers on certain public-school students by peace officers and school security personnel under certain circumstances.
- ***Effective Immediately***

Guns in Schools

HB 1760

- Amends current law relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions.
- Clarifies that in order for a location to be considered part of the school, that the building or premises must be owned by or under the control of the school or institution of higher education.
- Makes changes to PC

Juvenile Curfews

HB 1819

- Amends current law relating to the repeal of the authority of political subdivisions to adopt or enforce juvenile curfews.
- Eliminates the authority of political subdivisions to adopt or enforce juvenile curfews.
- Makes changes to CCP, FC, GC, and LGC

Missing Children/Persons

HB 2660

- Relating to duties and procedures and to training programs for law enforcement agencies regarding missing children and missing persons.
- Requires law enforcement agencies to electronically send missing person reports, no later than 48 hours after receiving the initial report, to each municipal and county law enforcement agency within 200 miles.
- Amends CCP Art. 63.009(a)

Youth Diversion

HB 3186

- Increases opportunities for early identification and for redirecting children accused of *Class C Misdemeanors*.
- Requires local governments to adopt a youth diversion plan consisting of a wide array of youth diversion programs.
- Currently, municipal and justice courts can only order diversion strategies after a case has been convicted or deferred.

Youth Diversion (2)

HB 3186

- Makes these diversion strategies available at the front end of a case, where they can be more effective. This aligns municipal and justice court practice with that of the juvenile court system.
- Diversion is mandatory if child is eligible.
- Traffic offenses are excluded.
- ***Effective Date: 1/1/2024, but diversions won't begin until 1/1/2025 (Look for more info on this from TJCTC later this year)***

Education (Armed officer on each campus)

HB 3

EC sec. 37.0814 Armed security officer required.

- Board of trustees shall determine number of armed security officers for each campus
- Must have at least one armed officer at each campus
 - A school district PO
 - A school resource officer
 - A commissioned PO

Education (Armed officer on each campus)

HB 3

If exempted the school must develop and alternative standard

- A school marshal
- Person who has completed school safety training

Role of Person carrying a firearm on school

- May not perform the routine law enforcement duties of a peace officer including making arrests, unless the duty is performed in response to an emergency
- Does not apply to a commissioned peace officer

Education (Armed officer on each campus)

HB 3

Section 25 Subchapter B, Chapter 85, Local Government Code is amended:

Sec 85.024 School safety meetings- (a) a Sheriff of a county with a total population of less than 350,000 shall call and conduct semiannual meetings to discuss school safety, communication between agencies, etc

(c) The following persons shall attend a meeting called:

(3) each elected constable in the county or the constable's designee

Security, Terrorism, & Human Trafficking

SB 602 Border Security – Fed Agents

SB 1484 Border Security – Local LE

SB 1900 Border Security – Foreign Terrorists

SB 1518 Terrorist Registry

SB 1527 Human Trafficking

HB 3554 Human Trafficking – College Campus

Border Security – Fed Agents

SB 602

- Relating to the law enforcement authority of federal border patrol agents.
- Amends the CCP to provide DPS trained US CBP Border Patrol Agents with the authority to enforce state felonies in certain locations at federal ports of entry and federal immigration checkpoints.
- Requires DPS to develop a training program for federal border patrol agents on state arrest, search, and seizure.
- Border patrol agents who complete the training are granted powers of arrest, search, and seizure as to any felony offense under state law if the offense occurs on the premises of a designated federal port of entry or border patrol immigration checkpoint and is incident to a detainment under federal law.

Border Security – Local LE

SB 1484

- Relating to a border operations training program for peace officers employed by local law enforcement agencies.
- Amends the GC and OC to require DPS to develop a training program for peace officers employed by local law enforcement agencies to prepare them to assist with Texas-Mexico border region enforcement operations.
- Seeks to prepare local law enforcement statewide to assist, if called upon or if volunteering to do so, with border security operations. DPS will develop training identifying the transnational criminal organizations operating along the border and their criminal activities, methods for identifying illicit trafficking, best practices for investigation and prosecution of transnational crime, and providing local law enforcement with an overview of the state's border security operations.

Border Security – Foreign Terrorists

SB 1900

- Amends current law relating to foreign terrorist organizations, including the compilation of information regarding, certain civil actions brought against, and the prosecution of certain organized crime offenses involving a foreign terrorist organization and of sedition.
- Defines and adds foreign terrorist organizations to organized crime under state law.
- Adds new criminal offenses to organized crime including the distribution of drugs and the operation of stash houses.
- Adds foreign terrorist organizations to current intelligence databases and allows local entities to seek public nuisance claims against foreign terrorist organizations.

Terrorist Registry

SB 1518

- Relating to the establishment of a terrorist offender registry and to the supervision of those terrorist offenders; creating criminal offenses related to terrorism.
- Provides tools to create a new category for terroristic offenses.
- The new state terrorism offenses will carry appropriate penalties against terrorists who knowingly act or provide material support to terrorist organizations.
- Commission of an enumerated offense carries a mandatory enhancement of one penalty level and a mandatory minimum sentence of 15 years for felonies and 180 days for misdemeanors.

Terrorist Registry (2)

SB 1518

- Creates the nation's only Terrorist Offender Registry, to identify those who have proven to be threats to public and national safety.
- Following completion of their prison sentence for the commission of a reportable offense, convicted terrorists are required to register on the Terrorist Offender Registry with Texas law enforcement if they reside in or plan to move to Texas.

Terrorist Registry (3)

SB 1518

- Operates similarly to the state sex offender registration statute, with the following exceptions:
 - the information on the registry is not public information and is accessible only by law enforcement;
 - does not include provisions regarding social media identifiers;
 - does not include employment prohibitions;
 - does not include provisions regarding juveniles; and
 - does not include provisions regarding evaluating risk levels of offenders.
- Amends CCP by adding Chapter 65

Human Trafficking

SB 1527

- Relating to human trafficking, including the prosecution and punishment of compelling and solicitation of prostitution and other sexual or assaultive offenses; increasing a criminal penalty; creating a criminal offense.
- Codifies legislative recommendations from the Texas Human Trafficking Prevention Task Force.
- Adds the Texas Education Agency and Texas Department of Transportation to the Human Trafficking Prevention Coordinating Council
- Adds child grooming protections and increases penalties for traffickers that use excessive force.

Human Trafficking (2)

SB 1527

- Flags driver's licenses of individuals convicted of human trafficking
- Allows extraneous conduct and relationship circumstances for human trafficking prosecutions
- Allows outcry witnesses in all human trafficking prosecutions involving children
- Expands the offenses for when witness outcry statements can be offered
- Adds protections for victims of trafficking with significant disabilities
- Enhances child pornography sentences when multiple images are possessed or promoted.
- Makes changes to GC, PC, CPCR, CCP, and TC

Human Trafficking – Children

HB 3554

- Amends current law relating to increasing the criminal penalty for the offense of trafficking of persons if committed at certain locations.
- Seeks to deter human trafficking and exploitation by enhancing the penalty from a second-degree felony to a first-degree felony for the offense involving trafficking of a person on the premises of or within 1,000 feet of certain shelters, facilities, a community center offering youth services, or a child care facility.

Mental Health & Intellectual Disability

SB 2479 Mental Health Procedures at the Jail

SB 2479 EDOs

HB 1486 Telecommunications – MH Leave

HB 3558 Peace Officer Wellness Program

Mental Health Procedures at the Jail

SB 2479

- Notice from sheriff (to a magistrate) that a person may have a mental illness or intellectual disability is now required for all offenses, not just Class B offenses or higher.
- And the magistrate may, but is not required to order the interview/collection of information by a mental health or intellectual and developmental disability expert if the defendant was only arrested or charged with a Class C.
- *CCP Art. 16.22 (a)*

Mental Health Procedures at the Jail (2)

SB 2479

- A report is only required to state whether a complete competency exam is warranted if the defendant is charged with a felony or with a misdemeanor punishable by confinement.
- CCP Art. 16.22 (b-2),(d)

Mental Health Procedures at the Jail (3)

SB 2479

- CCP Art. 17.03(b-2) “except as provided by Art. 17.032” language added.
 - If charged with a violent offense listed under 17.03 that is not listed in 17.032, now eligible for release under 17.032 (if all other requirements met), when would have been prohibited before.
 - If Art. 17.03(b-2)(2) applies, now eligible for release under 17.032 (if all other requirements met), when would have been prohibited before.
 - 17.032(b-2)(2)= while released on bail or community supervision for an offense involving violence, defendant is charged with a felony, assault bodily injury, deadly conduct, terroristic threat, or disorderly conduct involving firearm.

Emergency Detention Order (EDO)

SB 2479

- A peace officer doing the transport:
 - is not required to remain at the facility while the person is screened/treated/having insurance verified; and
 - may leave immediately after the person is taken into custody by the facility staff and the peace officer has provided the required documentation.
- Adds "or a licensed mental health professional employed by a local mental health authority" to who can submit an EDO app electronically (along with "physician").
- HSC § 573.012(d-1),(h)

EDOs

SB 2479

- Shall (instead of may) allow electronic application from physician.
- A facility may detain a person who is physically located in the facility to perform a preliminary examination under HSC § 573.021 if:
 - The magistrate transmits an EDO to the facility under § 573.012(h-1) for the detention of the person; and
 - The person is not already under an order under Chapter 573 or 574.
- OCA shall (as soon as practicable) develop and implement a process for an applicant to electronically present the application under § 573.012(h) and for a judge or magistrate to electronically transmit a warrant under § 573.012(h-1).
- HSC § 573.012(e),(h),(h-2),(h-3); Applies to an EDO that begins on/after 9/1/23.

Telecommunications – MH Leave

HB 1486

- Requires a law enforcement agency, state agency, or political subdivision that employs a full-time telecommunicator to develop and adopt a policy allowing full-time telecommunicators who experience a traumatic event in the scope of that employment to use mental health leave.
- Subjects a telecommunicator leave policy to the requirements and content provisions of a mental health leave policy adopted by the law enforcement or employing agency of the peace officers.
- Makes changes to GC

Peace Officer Wellness Program

HB 3558

- Relating to peace officer wellness programs within certain law enforcement agencies.
- Authorizes a qualifying law enforcement agency to establish and maintain a wellness program for the agency's peace officers.
- The wellness program is required to identify those officers that may have been affected by violent incidents, communicate with, and monitor the mental health of those officers and maintain a list of verified counselors and resources available to officers who agree to services through the wellness unit.
- Directs the Health and Human Services Commission to establish and administer a state grant program to assist law enforcement agencies in establishing and maintaining peace officer wellness programs.

TCOLE & Training

SB 252 Veteran Licensing

SB 999 Providing Active Shooter Training

SB 1852 LE Training – Active Shooter

HB 568 Alzheimer's Training

SB 533 Training Child Fatalities

SB 1401 Victim Rights Training

SB 1445 TCOLE Sunset

SB 2429 Missing Children Reports

Veteran Licensing

SB252

- Relating to the licensing of certain veterans by TCOLE and the hiring of those veterans by political subdivisions.
- TCOLE regulates the training and licensing of peace officers, jailers and telecommunicators. Previously, statute required an applicant to be a US citizen to be eligible for licensure.
- Amends the LGC to authorize a political subdivision to appoint or employ a legal permanent resident (LPR) who is an honorably discharged veteran with at least 2 years of service, thereby making the person eligible to be licensed by TCOLE as a peace officer, jailer, or telecommunicator.
- Requires that individual present satisfactory evidence that they have applied for US citizenship.
- An individual employed by a local government and licensed under this citizenship exception may not hold a supervisory position until obtaining citizenship.

Providing Active Shooter Training

SB 999

- Relating to the requirement that providers of active shooter training at public schools and institutions of higher education obtain a certificate issued by TCOLE.
- Under current law, TCOLE has the authority to refuse to contract for training from companies and organizations that do not meet TCOLE's standards. However, they do not have the authority to prevent a company from providing active shooter training in Texas.
- In order to ensure that any person who receives active shooter training in Texas is receiving a curriculum that is approved, made changes to the EC, requiring:
 - all companies that are providing active shooter training to students or employees at a public school or institution of higher education to both use certified instructors and possess a TCOLE certification at the company level.

LE Training – Active Shooter SB 1852

- Relating to active shooter training for peace officers.
- Amends the OC to establish initial and continuing active shooter training requirements for all peace officers.
- Requires that a newly licensed peace officer complete the Texas State Advanced Law Enforcement Rapid Response Training (ALERRT) 16-hour response to active shooter course within the first two years of licensing, unless the training was provided in the basic peace officer course.
- Requires that every peace officer complete a minimum of 16 hours of ALERRT training on responding to active shooters during every two-year training unit.

Alzheimer's Training

HB 568

- Seeks to improve interactions between law enforcement and this population by equipping officers with techniques for recognizing symptoms, communicating effectively, utilizing alternatives to physical restraints, and identifying signs of abuse, neglect, or exploitation.
- Amends OC 1701.253(j) to require that the 40-hour statewide officer education and training program on de-escalation and crisis intervention techniques include instruction on interacting with persons with Alzheimer's disease and other dementias, including instruction on techniques for recognizing symptoms, communicating effectively, employing alternatives to physical restraints, and identifying signs of abuse, neglect, or exploitation.
- Requires TCOLE ***not later than April 1, 2024***, to revise TCOLE's education and training programs as necessary to implement the changes in law.

Training Child Fatalities

SB 533

- Relating to training for peace officers on responding to and investigating child fatalities.
- Requires TCOLE to require a training program within basic peace officer training regarding responding to and investigating child fatalities including:
 - 1. The differences between sudden unexpected infant death and sudden infant death syndrome; and
 - 2. Relevant regulation applicable to child-care facilities

Training Child Fatalities (2)

SB 533

- Amends Section 1701.253, Occupations Code
- TCOLE shall establish this training program by January 1, 2024
- ***This training requirement only applies to a person who submits a peace officer license application on or after January 1, 2024.***

Victim Rights

SB 1401

- Relating to the composition, continuation, and duties of the Sexual Assault Survivors' Task Force, compensation for task force members and certain other task force participants, and establishment of a mandatory training program for persons responding to reports of and treating survivors of child sexual abuse and adult sexual assault.
- Makes changes to GC, HSC, and OC

TCOLE Sunset

SB 1445

- TCOLE Sunset Bill: Relating to the continuation and functions of the Texas Commission on Law Enforcement; authorizing a fee.
- Continues the Texas Commission on Law Enforcement for 12 years instead of two years.
- Amends statutes to require TCOLE, with input from an advisory committee, to set and enforce minimum standards for law enforcement agencies (LEAs) in rule.
- Removes the separation categories of honorable, general, and dishonorable from the F-5 form.
- Requires law enforcement agencies to conduct a review of a national law enforcement database prior to hiring and before a license is granted. In addition, authorize TCOLE to designate one or more databases for use by law enforcement agencies when conducting pre-employment background checks.

TCOLE Sunset (2)

SB 1445

- Requires TCOLE to create a public-facing, searchable database that identifies information about a peace officer's license status.
- Requires TCOLE to establish and maintain a system for LEAs to report failed fit-for-duty exams or refusals to be examined and authorize TCOLE to suspend licensees under limited circumstances.
- Clearly authorizes TCOLE to maintain confidentiality of complainants when possible.
- Clearly defines TCOLE's limited authority to issue administrative subpoenas.
- Explicitly authorizes TCOLE to temporarily suspend a license in cases of imminent threat to public health, safety, or welfare, and require a timeline for due process hearings.
- Authorizes TCOLE to establish advisory committees to make recommendations on programs, rules, and policies administered by it.

Missing Children Reports

SB 2429

- Relating to reporting procedures and training programs for law enforcement agencies regarding missing children and missing persons.
- Provides a place in the CCP that law enforcement can reference when responding to reports of a missing child by separating the requirements for missing children and missing adults.
- Requires law enforcement who receive a report of a missing child to begin an investigation immediately in order to reduce confusion about jurisdiction and the timeline of response.

Missing Children Reports (2)

SB 2429

- Expands the criteria for designating a child as high risk of human trafficking, sexual assault, exploitation, abuse, or neglectful supervision and removes an arbitrary maximum age that kept certain children from the requirement to be designated as high risk. Requires child to be designated as high risk for these offenses for any reason the agency determines, including that the child:
 - disappeared in a dangerous environment;
 - has mental or behavioral health needs;
 - previously exhibited signs of mental illness;
 - has an intellectual or developmental disability;
 - is known to have been last seen or in communication with a person unknown to the child's family or legal guardian; or
 - made concerning statements before disappearing.

Missing Children Reports (3)

SB 2429

- Mandates DPS to adopt rules that require law enforcement to escalate their response to high risk missing children using all available resources and notify all law enforcement agencies within 100 miles.
- Directs TCOLE to require each law enforcement officer to complete a one-time basic education and training program on missing children and the associated reporting requirements.
- Requires TCOLE to offer a voluntary advanced training on missing children.

DPS, TxDMV, & Licensing

SB 599 License to Carry

SB 656 Health Condition on DL

HB 627 Specialty Plates – Star of TX, Purple Heart

HB 628 Specialty Plates – LE

HB 2754 Specialty Plates – Ret. LE

HB 718 Temporary Tags

HB 2195 License Plates

HB 4528 Driver License Confiscation

HB 3956 DNA Records

HB 4879 Texas Crime Information System

License to Carry

SB 599

- Relating to the carrying or possession of a handgun by a district or county clerk and the issuance of a handgun license to a district or county clerk.
- In current statute, active judicial officers, the attorney general, district attorneys, US attorneys, criminal district attorneys, county attorneys, municipal attorneys, and assistant attorneys are permitted to carry handguns in weapon restricted areas including courthouses if they are licensed to carry.
- Amends the GC and gives the same permissions and license to carry exemptions to District Clerks.

Health Condition on DL

SB 656

- Relating to an optional health condition or disability designation on a driver's license or personal identification certificate.
- Makes changes to TC to ensure DPS includes a designation on the license or identification certificate indicating a person's physical or health condition that may impede effective communication with a peace officer if the person requests it and provides sufficient evidence to qualify.
- Helps reduce communication barriers between eligible persons and peace officers.

Specialty Plates – Star of TX, Purple Heart HB 627

- Amends current law relating to the issuance of specialty license plates to the surviving spouse of a posthumous recipient of certain awards.
- Currently, Texas allows the issuance of specialty license plates for persons who are recipients of a Star of Texas Award or a Purple Heart awarded by DPS or another law enforcement agency in the state.
- Allows the surviving spouse of a person who is a posthumous recipient of either award to be entitled to the specialty license plate for that award.

Specialty Plates – Star of TX, Purple Heart (2)

HB 627

- The Star of Texas award is given to emergency medical first responders, firefighters, and peace officers who are seriously injured or killed in the line of duty, and private citizens who are injured or killed aiding a peace officer, firefighter, or emergency medical first responder in their duties.
- Amends TC, entitling the surviving spouse of a person who was the posthumous recipient of a Star of Texas Award or a Purple Heart to specialty license plates.

Specialty Plates – LE

HB 628

- Seeks to honor fallen law enforcement officers killed in the line of duty and their families by requiring the Texas Department of Motor Vehicles (TxDMV) to issue specialty license plates recognizing these officers and by providing for the fees for the issuance of the license plates to be used to provide financial assistance to the survivors of fallen peace officers killed in the line of duty.
- Requires the license plates to include the following:
 - the words "A Hero Remembered Never Dies"
 - the words "Honoring Law Enforcement
 - a depiction of a badge covered by a black mourning band
- Amends TC by adding Section 504.680

Specialty Plates - Ret. LE

HB 2754

- Relating to the issuance of specialty license plates for retired peace officers.
- Requires the Texas Department of Motor Vehicles (TxDMV) to issue specialty license plates to honor individuals formerly employed as peace officers.
- Amends TC by adding Section 504.5111

Temporary Tags

HB 718

- Relating to the issuance of certain tags, permits, and license plates authorizing the movement of vehicles.
- Amends the TC to eliminate the use paper temporary tags for passenger vehicles and trucks.
- Requires dealers to affix a general issue license plate at the time of vehicle purchase.
- Authorizes the Texas Department of Motor Vehicles (TxDMV) to develop rules implementing processes and procedures for tax assessor-collectors and dealers to follow.

Temporary Tags (2)

HB 718

- Requires a licensed motor vehicle dealer to use TxDMV's webDEALER system to electronically submit license plate assignments upon vehicle sale.
- ***Effective Date: July 1, 2025, except Section 26 which takes effect Sept. 1, 2023 and requires TxDMV to promulgate rules by Dec. 1, 2024.***

License Plates

HB 2195

- Amends current law relating to wrong, fictitious, altered, or obscured license plates and increases a criminal penalty.
- Increases the maximum fine for a first-time offense and providing for an escalation in fines for a subsequent offense. The legislation also prohibits a vehicle with an obscured, altered, or fictitious license plate from passing state inspection.
- Amends the TC to expand the conduct that constitutes the offense of displaying a wrong, fictitious, altered, or obscured vehicle license plate to include attaching to or displaying on a motor vehicle a license plate that has a coating, covering, protective substance, or other material that covers the plate's letters, numbers, or colors.

License Plates (2)

HB 2195

- Increases the maximum fine from \$200 to \$300 for the offense of displaying a wrong, fictitious, altered, or obscured vehicle license plate involving attaching to or displaying on a motor vehicle a license plate that has a coating, covering, protective substance, or other material that alters, covers, or obscures the plate's letters, numbers, or color.
- Enhances the penalty for a subsequent conviction of the offense involving such conduct to a maximum fine of \$600 and to a *Class B misdemeanor* for two or more such convictions.
- Requires a motor vehicle, trailer, semitrailer, pole trailer, or mobile home registered in Texas to have each license plate required to be displayed on the vehicle inspected at an inspection station or by an inspector as part of the routine inspection required for the vehicle's registration.
- Prohibits an inspection station or inspector from issuing a passing vehicle inspection report for an applicable motor vehicle if the vehicle is equipped with a license plate that constitutes a wrong, fictitious, altered, or obscured license plate.

Driver License Confiscation

HB 4528

- Relating to the requirement that a peace officer take possession of a person's driver's license following the person's failure to pass or refusal to consent to a test for intoxication.
- Peace officers no longer need to take possession of a DL after arrest for DWI/DUI as DPS can suspend a DL electronically.
- Amends TC and FC

DNA Records

HB 3956

- Relating to the creation of DNA records for a person arrested for a felony offense and the expunction of DNA records in certain circumstances.
- The 86th legislature passed HB 1399, which required a defendant arrested for certain violent felony offenses to provide one or more specimens for the purpose of creating a DNA record with DPS. Arrestee samples are collected at the arrest booking location, most of which are county jails. The samples are sent to the DPS CODIS Laboratory in Austin where they are typed and compared against unidentified crime scene DNA profiles in the state and national CODIS database.

DNA Records (2)

HB 3956

- Expands this DNA collection requirement to include defendants arrested for all felony offenses and changes the entity responsible for collecting the specimen from the law enforcement agency arresting the defendant to the law enforcement agency booking the defendant.
- This broadening of the collection of DNA samples is designed to connect more open cases to offenders.
- Amends CCP and GC

Texas Crime Information System

HB 4879

- Requires DPS to mandate all local law enforcement agencies to:
 - implement an incident-based reporting system that meets the NIBRIS requirements; and
 - the agencies will submit to DPS information about certain criminal offenses.
- Requires DPS to adopt rules to prescribe the way information is submitted, the information submitted is confidential and the information shall ultimately be submitted to the FBI.
- Many constables have had conversations with DPS about implementation of this bill, and DPS will be working with smaller agencies. *(More in a minute.)*

Texas Crime Information System (2)

HB 4879

- Texas Crime Information System:
 - Defines criminal justice agency and system;
 - DPS shall establish a computer-based Texas crime information system;
 - DPS shall restrict access to the system; and
 - DPS shall use the information for certain reports regarding the nature and extent of criminal activities in the state.
- Amends GC

Texas Crime Information System (4)

HB 4879

- The key to proper reporting is to submit the report under your office's ORI, even if you work with another agency to use their system to do the report.
- To contact the Texas UCR program email NIBRS@dps.texas.gov or call (512) 424-2091

Civil Process

HB 3474 Service During Legislative Proceeding

SB 0059 Tax/Execution Sales

SB 1612 Constable's Fees

HB 1382 Online Auctions

HB 2127 Preemption of Municipal and County
Regulations

HB 4505 Non-Substantive Renumbering of CCP

Service During Legislative Proceeding

HB 3474

- Prohibits personal service of process during a legislative proceeding on a member, officer, or employee of the senate or house of representatives.
- Any service made in violation shall be quashed.
- If a process server violates this section, the Supreme Court must revoke their certification
- Adds CPRC 30.0035

Tax/Execution Sales

SB 0059

- Amended statutes to require updated notice of water and wastewater requirements by political subdivisions in counties near the Mexico border (See LGC 232.002)
- Notice found in amended LGC 232.0315 (*relates to residential properties that might not be equipped with proper water/wastewater for habitability*)
- Amends Tax Code & LGC
- *Applies to a sale for which public notice is required on or after 9/1/2023*

Constable's Fees

SB 1612

- Amends LGC 118.131(a) to require commissioners court to set reasonable fees for “service of process, including service of writs” by the offices of the sheriff and constable
- Previously said “services” by the offices of the sheriff and constable

Online Auctions

HB 1382

- Allows commissioners court to authorize the sale of real property taken in execution by online auction, except for property under Property Code 51.002 (Sale of Real Property Under Contract Lien)
- Authorizes commissioners court to adopt rules to govern online auctions under this section
- Amends CPRC 34.041
- *Rules under this section take effect 90 days after publication*

Preemption of Municipal and County Regulations

HB 2127

- Unless expressly authorized by another statute, a municipality or county may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of this code. An ordinance, order, or rule that violates this section is void, unenforceable, and inconsistent with this code.
- A field occupied by a provision of this code includes an ordinance, order, or rule regulating evictions or otherwise prohibiting, restricting, or delaying delivery of a notice to vacate or filing a suit to recover possession of the premises under Chapter 24.
- Property Code 1.004

Preemption of Municipal and County Regulations (2)

HB 2127

- Similar provisions in the following codes as well: Agriculture, Business and Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, Property
- LGC 51.002: The governing body of a municipality may adopt, enforce, or maintain an ordinance or rule only if the ordinance or rule is consistent with the laws of this state.

Non-Substantive Renumbering of CCP HB 4595

- Renumbers various statutes including:
 - Ch. 2B, Subchapters C - Body Worn Camera Program, G - Duty to Request and Render Aid
 - Ch. 13A, Subchapters A, B, 13A.251, 13A.256, 13A.257, 13A.258, 13A.259, 13A.262, 13A.263 - Venue
 - Ch. 45A - Justice and Municipal Courts
 - Ch. 55A - Expunction of Criminal Records
- ***Effective Date 1/1/2025, Look for more updates from TJCTC***

Miscellaneous

SB 64 Emergency Escort (*Ector County*)

HB 969 Child Custody

HB 2166 Heroes and Memorials

HB 3290 9-1-1 Service Fund

Emergency Escort

HB 64

- Relating to the peace officers authorized to operate an authorized emergency vehicle used to conduct a police escort. ***Ector County only (Odessa)***
- Amends TC 546.002(a): (a) Provides that "police escort" in Section 546.002 (When Conduct Permissible) means facilitating the movement of a funeral, oversized or hazardous load, or other traffic disruption for public safety purposes by a peace officer described by certain articles, including Article 2.12(17)(B) (relating to providing that officers commissioned by the board of directors of the Ector County Hospital District are peace officers)

Child Custody

HB 969

- Amends the FC relating to local regulation to enforce child custody orders and authorizes a civil penalty.
- Currently, child custody violations are adjudicated in court.
- Gives municipalities or counties in the state the ability to create a civil penalty, up to \$500, to be levied against individuals violating court-ordered custody orders.
- This penalty, enacted as an optional ordinance or order, will serve to deter violations of child custody orders by improperly possessing a child.

Heroes and Memorials

HB 2166

- Amends current law relating to designating March 4 as COVID-19 Heroes and Memorial Day.
- Amends GC

9-1-1 Service Fund

HB 3290

- Under current law, the next generation 9-1-1 service fund may only receive funds from federal sources, such as coronavirus recovery funds.
- Authorizes the fund to receive state governmental funds and directs the Commission on State Emergency Communications' allocation and distribution of state and federal funds to emergency communication districts.
- Designed to support the deployment and reliable operation of next generation 9-1-1 service.

Reminders

*(Now Effective
from Last
Session &
Recent Rule
Changes)*

TRCP (multiple rules) – Civil Judgments, Garnishments, Receivers, and Exempt Property Protections

TRCP 500.10 – Virtual Appearance

TRCP 501.4(b) – Notice of Court Proceedings

Reminders Question

- Who saw TJCTC's announcements about the Rule changes when they came out?
- Where did you see them and where can you look now if you want to read the Supreme Court orders?

TRCP (multiple rules) – Civil Judgments, Garnishments, Receivers, and Exempt Property Protections

TRCP Rules 503, 505, 508, 509, 510, 663a, 664a amended, 679a, 679b added; Effective May 1, 2022

- Notices and specific wording required to provide defendants information regarding their rights related to enforcement of judgments and how to access resources/get help. See the rules for the exact verbiage.
- Procedures for protecting exempt property, including suspension period before seized property can be sold and procedures for requesting and holding hearings to determine if seized property is exempt.
- New required forms promulgated by the Supreme Court of Texas:
 - Notice of Protected Property Rights
 - Instructions for Protected Property Claim Form
 - Protected Property Claim Form
 - Order Appointing Receiver (must be used unless good cause shown in a written order)

TRCP 500.10 – Virtual Appearance

Effective Feb. 1, 2023

- Gives guidance to courts in remote court proceedings in justice court civil cases.
- Allows judges to decide whether to allow or require participants to appear remotely in court proceedings.
- Requires judges holding remote proceedings to still be located in their courtroom or other place provided by the commissioners court for holding court.
- The court must provide the public the opportunity to observe the court proceeding, unless the judge has determined that the proceeding must be closed to protect an overriding interest, considered all less-restrictive alternatives to closure, and made findings in a written order adequate to support closure.

TRCP 501.4(b) – Notice of Court Proceedings

Effective Feb. 1, 2023

- Timing. If a document is served by mail, 3 days will be added to the length of time a party has to respond to the document. Notice of any ~~hearing~~ court proceeding requested by a party must be served on all other parties not less than 3 days before the time specified for the ~~hearing~~ court proceeding.
- TRCP 500.2(g): “Court proceeding” is an appearance before the court, such as a hearing or a trial.

Supreme Court Updates

Counterman v. Colorado

Vega v. Tekoh

Lombardo v. City of St. Louis

Counterman v. Colorado

No. 22-138. Argued April 19, 2023—Decided June 27, 2023

- **Summary:** Counterman sent 100s of Facebook messages to CW, a local musician. Each time CW blocked him, Counterman created a new account and continued contacting him. Several messages were violent. CW's life/schedule were affected. Counterman was charged under a Colorado statute similar to the Texas harassment statute.
- Counterman made a 1st Amendment free speech argument.

Counterman v. Colorado

No. 22–138. *Argued April 19, 2023—Decided June 27, 2023*

- **From SCOTUS:** *“The question presented is whether the First Amendment still requires **proof that the defendant had some subjective understanding of the threatening nature of his statements**. We hold that **it does**, but that a mental state of **recklessness is sufficient**. The State must show that the defendant consciously disregarded a substantial risk that his communications would be viewed as threatening violence.”*

Vega v. Tekoh

No.21-499 Argued April 19, 2022—Decided June 22, 2022

- **Summary:** Deputy Vega questioned Tekoh at a hospital where he worked about an alleged sexual assault of a patient. No Miranda rights were given. Tekoh eventually provided a written statement and was prosecuted for unlawful sexual penetration.
- Tekoh sued Vega under 42 U.S.C. 1983 for a 5th Amendment violation.

Vega v. Tekoh

No.21-499 Argued April 19, 2022—Decided June 22, 2022

- **From SCOTUS:** “Section 1983 provides a cause of action against any person acting under color of state law who “subjects” a person or “causes [a person] to be subjected . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws.” The question we must decide is whether a violation of the *Miranda* rules provides a basis for a claim under §1983. We hold that it does not.”

Lombardo v. St. Louis

No.20-391 Decided June 27, 2021

- **Summary:** Officers arrested Gilbert for trespassing and took him to holding. An officer saw him tie a piece of clothing around the bars and his neck (suicide attempt). 3 officers went in the cell, put him in a kneeling position over a concrete bench, and handcuffed his arms behind him. Gilbert kicked the officers and hit his head on the bench. They shackled his legs and moved him to a face-down, prone position on the floor. All 3 held him down. Gilbert tried to raise his chest, saying “It hurts. Stop.” After 15 mins of struggling his breathing became abnormal, then stopped. Officers rolled him over and found no pulse. CPR. Pronounced dead at the hospital.
- Excessive force claimed by Gilbert’s estate.

Lombardo v. St. Louis (2)

No.20-391 Decided June 27, 2021

- Excessive force claim by Gilbert's estate. 8th Circuit found no excessive force based on proposition that "the use of prone restraint is not objectively unreasonable when a detainee actively resists officer directives and efforts to subdue the detainee."
- **Supreme Court:** In an excessive force case, brought by the estate of a detainee who died while being restrained in a prone position, the Supreme Court rejects a "per se" approach based on the detainee's ongoing resistance. **(Must be evaluated case-by-case based on facts)**

Lombardo v. St. Louis (3)

No.20-391 Decided June 27, 2021

- **Test:**
- In assessing a claim of excessive force, courts ask **“whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them.”** *Graham v. Connor*, [490 U.S. 386](#), 397 (1989).^[2]
- **“A court (judge or jury) cannot apply this standard mechanically.”** *Kingsley v. Hendrickson*, 576 U.S. 389, 397 (2015).
- Rather, the inquiry **“requires careful attention to the facts and circumstances of each particular case.”** *Graham*, 490 U. S., at 396.
- Those circumstances include **“the relationship between the need for the use of force and the amount of force used; the extent of the plaintiff’s injury; any effort made by the officer to temper or to limit the amount of force; the severity of the security problem at issue; the threat reasonably perceived by the officer; and whether the plaintiff was actively resisting.”** *Kingsley*, 576 U. S., at 397.

Questions?