

## CHAPTER 8. GENERAL DEFENSES TO CRIMINAL RESPONSIBILITY

### SEC. 8.09. VICTIM OF TRAFFICKING OR COMPELLING PROSTITUTION

(a) Except as provided by Subsection (b), it is an affirmative defense to prosecution that the actor:

- (1) was a victim of an offense under Section 20A.02 or 43.05; and
- (2) engaged in the conduct that is the subject of the prosecution as a direct result of being caused, through means of force, fraud, or coercion as described by Subsection (c), to engage in that specific conduct.

(b) Subsection (a) applies only if:

- (1) the actor would not have engaged in the conduct that is the subject of the prosecution but for the use of force, fraud, or coercion;
- (2) the use of force, fraud, or coercion would have compelled a reasonable person in the actor's circumstances to engage in the conduct;
- (3) the actor was not merely afforded an opportunity to engage in the conduct without the use of force, fraud, or coercion; and
- (4) the conduct does not constitute an offense listed in Article 42A.054(a), Code of Criminal Procedure, unless the actor is charged only as a party to that offense under Section 7.01.

(c) For purposes of this section, "force, fraud, or coercion" has the same meaning as in Section 20A.02.

(d) Information relevant to the identification of a defendant's status as a victim of an offense described by Subsection (a)(1) may be offered to establish an affirmative defense under this section.

(e) For purposes of this section, the actor is not required to prove that the person using force, fraud, or coercion to cause the actor to engage in the conduct that is the subject of the prosecution was charged with or convicted of an offense under Section 20A.02 or 43.05.

Enacted effective Dec. 4, 2025 (SB 11, §1, Acts of the 89th Leg., 2nd S.S., 2025). Section 2 of SB 11 provides: "The change in law made by this Act applies only to the prosecution of an offense committed on or after the effective date of this Act. The prosecution of an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date."

## CHAPTER 31. THEFT

### SEC. 31.01. DEFINITIONS

In this chapter:

- (1) "Deception" means:
  - (A) creating or confirming by words or conduct a false impression of law or fact that is likely to affect the judgment of another in the transaction, and that the actor does not believe to be true;
  - (B) failing to correct a false impression of law or fact that is likely to affect the judgment of another in the transaction, that the actor previously created or confirmed by words or conduct, and that the actor does not now believe to be true;
  - (C) preventing another from acquiring information likely to affect his judgment in the transaction;
  - (D) selling or otherwise transferring or encumbering property without

disclosing a lien, security interest, adverse claim, or other legal impediment to the enjoyment of the property, whether the lien, security interest, claim, or impediment is or is not valid, or is or is not a matter of official record; or

(E) promising performance that is likely to affect the judgment of another in the transaction and that the actor does not intend to perform or knows will not be performed, except that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.

(2) "Deprive" means:

(A) to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner;

(B) to restore property only upon payment of reward or other compensation; or

(C) to dispose of property in a manner that makes recovery of the property by the owner unlikely.

(3) "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if:

(A) induced by deception or coercion;

(B) given by a person the actor knows is not legally authorized to act for the owner;

(C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable property dispositions;

(D) given solely to detect the commission of an offense; or

(E) given by a person who by reason of advanced age is known by the actor to have a diminished capacity to make informed and rational decisions about the reasonable disposition of property.

(4) "Appropriate" means:

(A) to bring about a transfer or purported transfer of title to or other nonpossessory interest in property other than real property, whether to the actor or another; or

(B) to acquire or otherwise exercise control over property other than real property.

(5) "Property" means:

(A) real property;

(B) tangible or intangible personal property including anything severed from land; or

(C) a document, including money, that represents or embodies anything of value.

(6) "Service" includes:

(A) labor and professional service;

(B) telecommunication, public utility, or transportation service;

(C) lodging, restaurant service, and entertainment; and

(D) the supply of a motor vehicle or other property for use.

(7) "Steal" means to acquire property or service by theft.

(8) "Certificate of title" has the meaning assigned by Section 501.002, Transportation Code.

(9) "Used or secondhand motor vehicle" means a used motor vehicle, as that term is defined by Section 501.002, Transportation Code.

(10) "Elderly individual" has the meaning assigned by Section 22.04(c).

(11) "Retail merchandise" means one or more items of tangible personal property displayed, held, stored, or offered for sale by a merchant. The term includes a gift card.

(12) "Retail theft detector" means an electrical, mechanical, electronic, or magnetic device used to prevent or detect shoplifting and includes any

article or component part essential to the proper operation of the device.  
 (13) "Shielding or deactivation instrument" means any item or tool designed, made, or adapted for the purpose of preventing the detection of stolen merchandise by a retail theft detector. The term includes a metal-lined or foil-lined shopping bag and any item used to remove a security tag affixed to retail merchandise.

(14) "Fire exit alarm" has the meaning assigned by Section 793.001, Health and Safety Code.

*Subsection (15) as enacted by SB 1646, effective May 30, 2025:*

(15) "Critical infrastructure facility" means:

(A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

- (i) a petroleum or alumina refinery;
- (ii) an electrical power generating facility, substation, switching station, or electrical control center;
- (iii) a chemical, polymer, or rubber manufacturing facility;
- (iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- (v) a natural gas compressor station;
- (vi) a liquid natural gas terminal or storage facility;
- (vii) a telecommunications central switching office or any structure used as part of a system to provide wired or wireless telecommunications services, cable or video services, or Internet access services;
- (viii) a port, a railroad switching yard, a trucking terminal, or any other freight transportation facility;
- (ix) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
- (x) a transmission facility used by a federally licensed radio or television station;
- (xi) a steelmaking facility that uses an electric arc furnace to make steel;
- (xii) a dam that is classified as a high hazard by the Texas Commission on Environmental Quality;
- (xiii) a concentrated animal feeding operation, as defined by Section 26.048, Water Code; or
- (xiv) any component of a system:
  - (a) on which a 9-1-1 service, as defined by Section 771.001, Health and Safety Code, depends to properly function; or
  - (b) that enables interoperable communications between emergency services personnel, as defined by Section 22.01, during an emergency or disaster; or

(B) if enclosed by a fence or other physical barrier obviously designed to exclude intruders:

- (i) any portion of an aboveground oil, gas, or chemical pipeline;
- (ii) an oil or gas drilling site;
- (iii) a group of tanks used to store crude oil, such as a tank battery;
- (iv) an oil, gas, or chemical production facility;
- (v) an oil or gas wellhead; or
- (vi) any oil and gas facility that has an active flare.

*Subsection (15) as enacted by SB 1300, effective Sept. 1, 2025:*

(15) "Merchant" means any business that sells items to the public.

Amendment to (4) effective Dec. 4, 2025 (SB 16, §8, Acts of the 89th Leg., 2nd S.S., 2025). Section 12 of SB 16 provides: "The changes in law made by this Act apply only to an offense committed on or after the

effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date."

\* \* \*

## SEC. 31.03. THEFT

(a) A person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property.

(b) Appropriation of property is unlawful if:

- (1) it is without the owner's effective consent;
- (2) the property is stolen and the actor appropriates the property knowing it was stolen by another; or
- (3) property in the custody of any law enforcement agency was explicitly represented by any law enforcement agent to the actor as being stolen and the actor appropriates the property believing it was stolen by another.

(c) For purposes of Subsection (b):

- (1) evidence that the actor has previously participated in recent transactions other than, but similar to, the transaction for which the prosecution is based is admissible for the purpose of showing knowledge or intent and the issues of knowledge or intent are raised by the actor's plea of not guilty;
- (2) the testimony of an accomplice shall be corroborated by proof that tends to connect the actor to the crime, but the actor's knowledge or intent may be established by the uncorroborated testimony of the accomplice;
- (3) an actor engaged in the business of buying and selling used or secondhand personal property, or lending money on the security of personal property deposited with the actor, is presumed to know upon receipt by the actor of stolen property (other than a motor vehicle subject to Chapter 501, Transportation Code) that the property has been previously stolen from another if the actor pays for or loans against the property \$25 or more (or consideration of equivalent value) and the actor knowingly or recklessly:

(A) fails to record the name, address, and physical description or identification number of the seller or pledgor;

(B) fails to record a complete description of the property, including the serial number, if reasonably available, or other identifying characteristics; or

(C) fails to obtain a signed warranty from the seller or pledgor that the seller or pledgor has the right to possess the property. It is the express intent of this provision that the presumption arises unless the actor complies with each of the numbered requirements;

(4) for the purposes of Subdivision (3)(A), "identification number" means driver's license number, military identification number, identification certificate, or other official number capable of identifying an individual;

(5) stolen property does not lose its character as stolen when recovered by any law enforcement agency;

(6) an actor engaged in the business of obtaining abandoned or wrecked motor vehicles or parts of an abandoned or wrecked motor vehicle for resale, disposal, scrap, repair, rebuilding, demolition, or other form of salvage is presumed to know on receipt by the actor of stolen property that the property has been previously stolen from another if the actor knowingly or recklessly:

(A) fails to maintain an accurate and legible inventory of each motor vehicle component part purchased by or delivered to the actor, in-

cluding the date of purchase or delivery, the name, age, address, sex, and driver's license number of the seller or person making the delivery, the license plate number of the motor vehicle in which the part was delivered, a complete description of the part, and the vehicle identification number of the motor vehicle from which the part was removed, or in lieu of maintaining an inventory, fails to record the name and certificate of inventory number of the person who dismantled the motor vehicle from which the part was obtained;

(B) fails on receipt of a motor vehicle to obtain a certificate of authority, sales receipt, or transfer document as required by Chapter 683, Transportation Code, or a certificate of title showing that the motor vehicle is not subject to a lien or that all recorded liens on the motor vehicle have been released; or

(C) fails on receipt of a motor vehicle to immediately remove an unexpired license plate from the motor vehicle, to keep the plate in a secure and locked place, or to maintain an inventory, on forms provided by the Texas Department of Motor Vehicles, of license plates kept under this paragraph, including for each plate or set of plates the license plate number and the make, motor number, and vehicle identification number of the motor vehicle from which the plate was removed;

(7) an actor who purchases or receives a used or secondhand motor vehicle is presumed to know on receipt by the actor of the motor vehicle that the motor vehicle has been previously stolen from another if the actor knowingly or recklessly:

(A) fails to report to the Texas Department of Motor Vehicles the failure of the person who sold or delivered the motor vehicle to the actor to deliver to the actor a properly executed certificate of title to the motor vehicle at the time the motor vehicle was delivered; or

(B) fails to file with the county tax assessor-collector of the county in which the actor received the motor vehicle, not later than the 20th day after the date the actor received the motor vehicle, the registration license receipt and certificate of title or evidence of title delivered to the actor in accordance with Subchapter D, Chapter 520, Transportation Code, at the time the motor vehicle was delivered;

(8) an actor who purchases or receives from any source other than a licensed retailer or distributor of pesticides a restricted-use pesticide or a state-limited-use pesticide or a compound, mixture, or preparation containing a restricted-use or state-limited-use pesticide is presumed to know on receipt by the actor of the pesticide or compound, mixture, or preparation that the pesticide or compound, mixture, or preparation has been previously stolen from another if the actor:

(A) fails to record the name, address, and physical description of the seller or pledgor;

(B) fails to record a complete description of the amount and type of pesticide or compound, mixture, or preparation purchased or received; and

(C) fails to obtain a signed warranty from the seller or pledgor that the seller or pledgor has the right to possess the property;

(9) an actor who is subject to Section 409, Packers and Stockyards Act (7 U.S.C. Section 228b), that obtains livestock from a commission merchant by representing that the actor will make prompt payment is presumed to have induced the commission merchant's consent by deception if the actor fails to make full payment in accordance with Section 409, Packers and Stockyards Act (7 U.S.C. Section 228b); and

(10) an actor in possession of property consisting of one or more catalytic converters that have been removed from a motor vehicle is presumed to have unlawfully appropriated the property unless the actor:

(A) is the owner, as defined by Section 601.002, Transportation

Code, of each vehicle from which the catalytic converters were removed; or

(B) possesses the catalytic converters in the ordinary course of the actor's business, including in the ordinary course of business of an entity described by Section 1956.123(1), Occupations Code.

(d) It is not a defense to prosecution under this section that:

(1) the offense occurred as a result of a deception or strategy on the part of a law enforcement agency, including the use of an undercover operative or peace officer;

(2) the actor was provided by a law enforcement agency with a facility in which to commit the offense or an opportunity to engage in conduct constituting the offense; or

(3) the actor was solicited to commit the offense by a peace officer, and the solicitation was of a type that would encourage a person predisposed to commit the offense to actually commit the offense, but would not encourage a person not predisposed to commit the offense to actually commit the offense.

(e) Except as otherwise provided by this section [~~Subsections (f) and (f-1)~~], an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than \$100;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is \$100 or more but less than \$750;

(B) the value of the property stolen is less than \$100 and the defendant has previously been convicted of any grade of theft; or

(C) the property stolen is a driver's license, commercial driver's license, or personal identification certificate issued by this state or another state;

(3) a Class A misdemeanor if the value of the property stolen is \$750 or more but less than \$2,500;

(4) a state jail felony if:

(A) the value of the property stolen is \$2,500 or more but less than \$30,000, or the property is less than 10 head of sheep, swine, or goats or any part thereof under the value of \$30,000;

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave, including property that is a military grave marker;

(C) the property stolen is a firearm;

(D) the value of the property stolen is less than \$2,500 and the defendant has been previously convicted two or more times of any grade of theft;

(E) the property stolen is an official ballot or official carrier envelope for an election;

(F) the value of the property stolen is less than \$20,000 and the property stolen is:

(i) aluminum;

(ii) bronze;

(iii) copper; or

(iv) brass; ~~or~~

(G) the cost of replacing the property stolen is less than \$30,000 and the property stolen is a catalytic converter; or

(H) the value of the property stolen is less than \$30,000 and the property was stolen in a disaster area and came into the actor's custody, possession, or control by virtue of the actor's status or purported status as a disaster volunteer, as that term is defined by Section 32.61;

(5) a felony of the third degree if the value of the property stolen is \$30,000 or more but less than \$150,000, or the property is:

(A) cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, stolen during a single trans-

- action and having an aggregate value of less than \$150,000;
- (B) 10 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$150,000; or
- (C) a controlled substance, having a value of less than \$150,000, if stolen from:
- (i) a commercial building in which a controlled substance is generally stored, including a pharmacy, clinic, hospital, nursing facility, or warehouse; or
  - (ii) a vehicle owned or operated by a wholesale distributor of prescription drugs;
- (6) a felony of the second degree if:
- (A) the value of the property stolen is \$150,000 or more but less than \$300,000; or
  - (B) the value of the property stolen is less than \$300,000 and the property stolen is an automated teller machine or the contents or components of an automated teller machine; or
- (7) a felony of the first degree if the value of the property stolen is \$300,000 or more.
- (f) An offense described for purposes of punishment by Subsections (e)(1)-(6) is increased to the next higher category of offense if it is shown on the trial of the offense that:
- (1) the actor was a public servant at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of his status as a public servant;
  - (2) the actor was in a contractual relationship with government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship;
  - (3) the owner of the property appropriated was at the time of the offense:
    - (A) an elderly individual; or
    - (B) a nonprofit organization;
  - (4) the actor was a Medicare provider in a contractual relationship with the federal government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship; or
  - (5) during the commission of the offense, the actor intentionally, knowingly, or recklessly:
    - (A) caused a fire exit alarm to sound or otherwise become activated;
    - (B) deactivated or otherwise prevented a fire exit alarm or retail theft detector from sounding; or
    - (C) used a shielding or deactivation instrument to prevent or attempt to prevent detection of the offense by a retail theft detector.
- (f-1) An offense described for purposes of punishment by Subsections (e)(4)-(6) is increased to the next higher category of offense if it is shown on the trial of the offense that:
- (1) the property stolen is a catalytic converter; and
  - (2) the actor possessed a firearm during the commission of the offense.
- (f-2) An offense described for purposes of punishment by Subsections (e)(4)-(6) is increased to the next higher category of offense if it is shown on the trial of the offense that:
- (1) the property stolen was copper or brass; and
  - (2) the actor committed the offense by unlawfully appropriating the property from a critical infrastructure facility or from equipment or communication wires appurtenant to or connected to the facility or on which the facility depends to properly function, regardless of

whether the equipment or communication wires are enclosed by a fence or other barrier.

(f-3) The increase in the punishment provided by Section 12.50 for an offense under this section does not apply if the penalty described by Subsection (e)(4)(H) applies.

(g) For the purposes of Subsection (a), a person is the owner of exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, only if the person qualifies to claim the animal under Section 142.0021, Agriculture Code, if the animal is an estray.

(h) In this section:

(1) "Restricted-use pesticide" means a pesticide classified as a restricted-use pesticide by the administrator of the Environmental Protection Agency under 7 U.S.C. Section 136a, as that law existed on January 1, 1995, and containing an active ingredient listed in the federal regulations adopted under that law (40 C.F.R. Section 152.175) and in effect on that date.

(2) "State-limited-use pesticide" means a pesticide classified as a state-limited-use pesticide by the Department of Agriculture under Section 76.003, Agriculture Code, as that section existed on January 1, 1995, and containing an active ingredient listed in the rules adopted under that section (4 TAC Section 7.24) as that section existed on that date.

(3) "Nonprofit organization" means an organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being described as an exempt organization by Section 501(c)(3) of that code.

(4) "Automated teller machine" means an unstaffed electronic information processing device that, at the request of a user, performs a financial transaction through the direct transmission of electronic impulses to a financial institution or through the recording of electronic impulses or other indicia of a transaction for delayed transmission to a financial institution. The term includes an automated banking machine.

(5) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(6) "Wholesale distributor of prescription drugs" means a wholesale distributor, as defined by Section 431.401, Health and Safety Code.

(7) "Catalytic converter" means a catalytic converter and any material removed from the catalytic converter.

(8) "Firearm" has the meaning assigned by Section 46.01.

(9) "Disaster area" is an area that was, at the time of the offense:

(A) subject to a disaster declaration issued by:

(i) the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.);

(ii) the governor under Section 418.014, Government Code; or

(iii) the presiding officer of the governing body of a political subdivision under Section 418.108, Government Code; or

(B) subject to an emergency evacuation order.

(i) For purposes of Subsection (c)(9), "livestock" and "commission merchant" have the meanings assigned by Section 147.001, Agriculture Code.

(j) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.

Amendments to (e), additions of (f-3) and (h)(9) effective Dec. 4, 2025 (HB 20, §§3.01 & 3.02, Acts of the 89th Leg., 2nd S.S., 2025). Section 3.04 of HB 20 provides: "Section 31.03, Penal Code, as amended by this article, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this



Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.”

\* \* \*

**SEC. 31.23. REAL PROPERTY THEFT**

(a) In this section:

- (1) “Disabled individual” and “elderly individual” have the meanings assigned by Section 22.04.
- (2) “Nonpossessory interest” includes an interest that may be conveyed by a quitclaim deed or conditional transfer.
- (3) “Owner” includes an owner’s estate and known successors in interest if the owner is deceased.
- (4) “Transfer” has the meaning assigned by Section 12.019, Property Code.

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

- (1) brings about or attempts to bring about a transfer or purported transfer of real property or title to real property or a nonpossessory interest in real property, to any transferee or intended transferee:
  - (A) without the effective consent of the owner of the real property or the nonpossessory interest in real property; and
  - (B) with the intent to deprive the owner of the real property or the nonpossessory interest in the real property; or
- (2) sells or otherwise transfers or encumbers, or attempts to sell or otherwise transfer or encumber, real property or title to real property or a nonpossessory interest in real property to or with respect to a person in exchange for a benefit from any person:
  - (A) without the effective consent of the owner of the benefit; and
  - (B) with the intent to deprive the owner of the benefit.

(c) Except as provided by Subsection (e), an offense under Subsection (b)(1) is:

- (1) a felony of the second degree if it is shown on the trial of the offense that the market value of the real property is less than \$300,000; or
- (2) a felony of the first degree if it is shown on the trial of the offense that the market value of the real property is \$300,000 or more.

(d) Except as provided by Subsection (e), an offense under Subsection (b)(2) is:

- (1) a felony of the third degree if it is shown on the trial of the offense that the value of the benefit received is less than \$30,000;
- (2) a felony of the second degree if it is shown on the trial of the offense that the value of the benefit received is \$30,000 or more but less than \$150,000; or
- (3) a felony of the first degree if it is shown on the trial of the offense that the value of the benefit received is \$150,000 or more.

(e) An offense described for purposes of punishment by Subsections (c) and (d) is increased to the next higher category of offense if it is shown on the trial of the offense that at the time of the offense:

- (1) the owner of the real property or nonpossessory interest in real property or the owner of the benefit was:
  - (A) an elderly individual;
  - (B) a disabled individual; or
  - (C) a nonprofit organization; or
- (2) the real property was subject to a property tax exemption under Subchapter B, Chapter 11, Tax Code, as an individual’s residence homestead as defined by Section 11.13(j), Tax Code.

(f) For purposes of Subsection (c), the market value of real property is the market value of that property for the tax year in which the offense was committed, as indicated on the appraisal roll for the appraisal district in which the property is located.

(g) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Enacted effective Dec. 4, 2025 (SB 16, §9, Acts of the 89th Leg., 2nd S.S., 2025). See effective note following §31.01.

**CHAPTER 32. FRAUD**

\* \* \*

***Subchapter D. Other Deceptive Practices***

\* \* \*

**SEC. 32.60. REAL PROPERTY FRAUD**

(a) In this section:

- (1) “Deception” has the meaning assigned by Section 31.01.
- (2) “Disabled individual” and “elderly individual” have the meanings assigned by Section 22.04.
- (3) “Document” and “effective consent” have the meanings assigned by Section 32.46.

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

- (1) intentionally or knowingly makes a materially false or misleading written statement to obtain real property; or
- (2) with the intent to defraud or harm any person:
  - (A) causes another person, without that person’s effective consent, to sign or execute any document affecting real property or any person’s interest in real property; or
  - (B) causes a public servant, without the public servant’s effective consent, to file or record any purported judgment or other document purporting to memorialize or evidence:
    - (i) title to real property or any person’s interest in real property; or
    - (ii) a lien or claim against real property or against any person’s interest in real property.

(c) Except as provided by Subsection (d), an offense under this section is:

- (1) a felony of the second degree if it is shown on the trial of the offense that the market value of the real property or the value of the interest in the real property is less than \$300,000; or
- (2) a felony of the first degree if it is shown on the trial of the offense that the market value of the real property or the value of the interest in the real property is \$300,000 or more.

(d) An offense described for purposes of punishment by Subsection (c) is increased to the next higher category of offense if it is shown on the trial of the offense that at the time of the offense:

- (1) the owner of the real property was:
  - (A) an elderly individual;
  - (B) a disabled individual; or
  - (C) a nonprofit organization; or
- (2) the real property was subject to a property tax exemption under Subchapter B, Chapter 11, Tax Code, as an individual’s residence homestead as defined by Section 11.13(j), Tax Code.

(e) For purposes of Subsection (c), the market value of real property is the market value of that property for the tax year in which the offense was committed, as indicated on the appraisal roll for the appraisal district in which the property is located.

Enacted effective Dec. 4, 2025 (SB 16, §10, Acts of the 89th Leg., 2nd S.S., 2025). See effective note following §31.01.

**SEC. 32.61. MALICIOUS SOLICITATION OF DISASTER VICTIM OR FOR DISASTER RESPONSE OR RECOVERY**

(a) In this section:

(1) “Disaster” has the meaning assigned by Section 418.004, Government Code.

(2) “Disaster volunteer” means a person who provides or offers to provide a service at no cost to or at the direction of:

(A) a victim of a disaster; or

(B) a governmental entity engaged in disaster response or recovery.

(3) “Relative” has the meaning assigned by Section 20.01.

(4) “Victim of a disaster” means a person who has suffered harm as a result of a disaster.

(b) A person commits an offense if the person, with the intent to defraud or harm any person:

(1) solicits a donation from another person while inducing the other person to believe that the donation will be used for disaster response or recovery, regardless of the manner of solicitation;

(2) solicits donations on behalf of a donee with the intent to retain the donations instead of delivering the donations to the donee on whose behalf the donations were solicited;

(3) solicits payment from a victim of a disaster after:

(A) providing services to the victim that are related to disaster response or recovery, including debris removal or transportation; and

(B) inducing the victim to believe that:

(i) the person is a disaster volunteer; and

(ii) the services described by Paragraph (A) would be provided at no cost to the victim; or

(4) solicits payment from a victim of a disaster while inducing the victim to believe that the actor will search for or return to the victim a relative who is believed to be missing as a result of the disaster.

(c) An offense under Subsection (b)(1), (2), or (3) is:

(1) for a first offense, a felony of the third degree; or

(2) for a second or subsequent offense, a felony of the second degree.

(d) Notwithstanding Subsection (c), an offense under Subsection (b)(1), (2), or (3) is a felony of the first degree if the person fabricated a designation described by Subchapter L, Chapter 418, Government Code.

(e) An offense under Subsection (b)(4) is a felony of the first degree.

(f) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law, or both.

Enacted effective Dec. 4, 2025 (HB 20, §3.03, Acts of the 89th Leg., 2nd S.S., 2025).

**CHAPTER 42. DISORDERLY CONDUCT AND RELATED OFFENSES**

**SEC. 42.07. HARASSMENT**

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person’s family or household, or the person’s property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(5) makes a telephone call and intentionally fails to hang up or disengage the connection;

(6) knowingly permits a telephone under the person’s control to be used by another to commit an offense under this section;

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern;

(9) tracks or monitors the personal property or motor vehicle of another person, without the other person’s effective consent, including by:

(A) using a tracking application on the person’s personal electronic device or using a tracking device; or

(B) physically following the other person or causing any person to physically follow the other person; or

(10) makes obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means.

(b) In this section:

(1) “Court employee” means an employee whose duties relate to court administration, including a court clerk, court coordinator, court administrator, juvenile case manager, law clerk, or staff attorney. The term does not include a judge.

(1-a) “Electronic communication” means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system. The term includes:

(A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and

(B) a communication made to a pager.

(2) “Family” and “household” have the meaning assigned by Chapter 71, Family Code.

(3) “Obscene” means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if:

(A) [(+)] the actor has previously been convicted under this section;

(B) [(+)] the offense was committed under Subsection (a)(7) or

(8) and:

(i) ~~[(A)]~~ the offense was committed against a child under 18 years of age with the intent that the child:

~~(a) [(i)]~~ commit suicide; or

~~(b) [(ii)]~~ engage in conduct causing serious bodily injury to the child; or

(ii) ~~[(B)]~~ the actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code; ~~[or]~~

~~(C) [(3)]~~ the offense was committed against a person the actor knows or reasonably should know is an employee or agent of a utility while the person is performing a duty within the scope of that employment or agency; or

~~(D) the offense was committed against a person the actor knows is a court employee;~~

~~(2) a state jail felony if the offense was committed against a person the actor knows is:~~

~~(A) a court employee and the actor has previously been convicted under this section; or~~

~~(B) a judge; and~~

~~(3) a felony of the third degree if the offense was committed against a person the actor knows is a judge and the actor has previously been convicted under this section.~~

(d) In this section, “matter of public concern” has the meaning assigned by Section 27.001, Civil Practice and Remedies Code.

(e) For purposes of Subsection (a)(9), it is presumed that a person did not give effective consent to the actor’s conduct if:

(1) an application for a protective or restraining order against or with respect to the actor has been filed by or on behalf of the person under Subchapter A, Chapter 7B, Code of Criminal Procedure, Article 17.292, Code of Criminal Procedure, Section 6.504, Family Code, or Subtitle B, Title 4, Family Code, or an order has been issued against or with respect to the actor under one of those provisions; or

(2) the person is married to the actor and a petition for dissolution of marriage has been filed, or the person was previously married to the actor and the marriage has been dissolved.

Amendments to (b)(1) and (c), as amended by SB 482, Acts of the 89th Leg., R.S., 2025, effective Dec. 4, 2025 (HB 16, §§15.12 & 15.13, Acts of the 89th Leg., 2nd S.S., 2025). Section 15.16 of HB 16 provides: “Section 42.07, Penal Code, as amended by this article, applies only to an offense committed on or after the effective date of this Act. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.”





# CODE OF CRIMINAL PROCEDURE

*Amendments made during the 2nd Special Session, 2025, by the 89th Texas Legislature*

## CHAPTER 2A. OFFICERS; POWERS AND DUTIES

\* \* \*

### *Subchapter D. Magistrates and Clerks*

\* \* \*

#### **ART. 2A.151. TYPES OF MAGISTRATES**

The following officers are magistrates for purposes of this code:

- (1) a justice of the supreme court;
- (2) a judge of the court of criminal appeals;
- (3) a justice of the courts of appeals;
- (4) a judge of a district court;
- (5) an associate judge appointed by:
  - (A) a judge of a district court or a statutory county court that gives preference to criminal cases in Jefferson County;
  - (B) a judge of a district court or a statutory county court of Brazos County, Nueces County, or Williamson County; [or]
  - (C) a judge of a district court under Chapter 54A, Government Code; or
  - (D) a judge of a district court under Subchapter B, Chapter 54B, Government Code;
- (6) a criminal magistrate appointed by:
  - (A) the Bell County Commissioners Court;
  - (B) the Brazoria County Commissioners Court; or
  - (C) the Burnet County Commissioners Court;
- (7) a criminal law hearing officer for:
  - (A) Harris County appointed under Subchapter L, Chapter 54, Government Code; or
  - (B) Cameron County appointed under Subchapter BB, Chapter 54, Government Code;
- (8) a magistrate appointed:
  - (A) by a judge of a district court of Bexar County, Dallas County, or Tarrant County that gives preference to criminal cases;
  - (B) by a judge of a criminal district court of Dallas County or Tarrant County;
  - (C) by a judge of a district court or statutory county court of Denton or Grayson County;
  - (D) by a judge of a district court or statutory county court that gives preference to criminal cases in Travis County;
  - (E) by the El Paso Council of Judges;
  - (F) by the Fort Bend County Commissioners Court;
  - (G) by the Collin County Commissioners Court; or
  - (H) under Subchapter JJ, Chapter 54, Government Code;
- (9) a magistrate or associate judge appointed by a judge of a district court of Lubbock County, Nolan County, or Webb County;
- (10) a county judge;
- (11) a judge of:
  - (A) a statutory county court;
  - (B) a county criminal court; or
  - (C) a statutory probate court;
- (12) an associate judge appointed by a judge of a statutory probate court under Chapter 54A, Government Code;
- (13) a justice of the peace; and
- (14) a mayor or recorder of a municipality or a judge of a municipal court.

Amended effective Dec. 4, 2025 (HB 16, §5.01, Acts of the 89th Leg., 2nd S.S., 2025).

## CHAPTER 5C. PROCEDURES FOR REAL PROPERTY THEFT AND FRAUD

### **ART. 5C.001. INFORMATION TO BE INCLUDED IN JUDGMENT OR ORDER**

For an offense under Section 31.23 or 32.60, Penal Code, the judgment of conviction or order of deferred adjudication must include:

- (1) the street address or legal description of the real property that the court finds to be included in the conduct constituting the offense; and
- (2) the identifying reference number assigned by the county clerk to each document:
  - (A) that relates to real property that the court finds to be included in the conduct constituting the offense; and
  - (B) that is recorded in the real property records of the county.

Chapter enacted effective Dec. 4, 2025 (SB 16, §2, Acts of the 89th Leg., 2nd S.S., 2025). See effective note following Art. 12.01.

### **ART. 5C.002. JUDGMENT OR ORDER TO BE FILED WITH COUNTY CLERK**

Not later than the 10th day after the date the court enters a judgment of conviction or order of deferred adjudication for an offense under Section 31.23 or 32.60, Penal Code, the prosecutor or court clerk, as determined by local court rule, shall file with the county clerk:

- (1) a certified copy of the judgment or order for recording in the real property records of the county where the real property that is the subject of the offense is located;
- (2) a statement explaining the filing; and
- (3) if the judgment or order does not comply with Article 5C.001, a certified copy of the indictment.

### **ART. 5C.003. EFFECT OF NONCOMPLIANCE**

A judgment of conviction or order of deferred adjudication for an offense under Section 31.23 or 32.60, Penal Code, is not invalid solely because the judgment or order fails to comply with Article 5C.001 or 5C.002.

## CHAPTER 12. LIMITATION

### **ART. 12.01. FELONIES**

Except as provided in Articles 12.015 and 12.03, felony indictments may be presented within these limits, and not afterward:

- (1) no limitation:
  - (A) murder and manslaughter;
  - (B) sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;
  - (C) sexual assault, if:
    - (i) during the investigation of the offense biological matter is collected and the matter:
      - (a) has not yet been subjected to forensic DNA testing; or
      - (b) has been subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or
    - (ii) probable cause exists to believe that the defendant has committed the same or a similar sex offense against five or more victims;
  - (D) continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code;

- (E) indecency with a child under Section 21.11, Penal Code;
- (F) an offense involving leaving the scene of a collision under Section 550.021, Transportation Code, if the collision resulted in the death of a person;
- (G) trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code;
- (H) continuous trafficking of persons under Section 20A.03, Penal Code;
- (I) compelling prostitution under Section 43.05(a)(2) or (3), Penal Code;
- (J) tampering with physical evidence under Section 37.09(a)(1) or (d)(1), Penal Code, if:
- (i) the evidence tampered with is a human corpse, as defined by that section; or
  - (ii) the investigation of the offense shows that a reasonable person in the position of the defendant at the time of the commission of the offense would have cause to believe that the evidence tampered with is related to a criminal homicide under Chapter 19, Penal Code;
- (K) interference with child custody under Section 25.03(a)(3), Penal Code;
- (L) burglary under Section 30.02, Penal Code, if:
- (i) the offense is punishable under Subsection (d) of that section because the defendant entered a habitation with the intent to commit an offense under Section 22.011 or 22.021, Penal Code; and
  - (ii) during the investigation of the offense biological matter is collected and the matter:
    - (a) has not yet been subjected to forensic DNA testing; or
    - (b) has been subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained;
- (M) failure to stop or report sexual or assaultive offense against child under Section 38.17, Penal Code; or
- (N) continuous promotion of prostitution under Section 43.032, Penal Code;
- (2) ten years from the date of the commission of the offense:
- (A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;
  - (B) theft by a public servant of government property over which the public servant exercises control in the public servant's official capacity;
  - (C) forgery or the uttering, using, or passing of forged instruments;
  - (D) injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;
  - (E) sexual assault, except as provided by Subdivision (1) or (10) [(9)];
  - (F) arson;
  - (G) trafficking of persons under Section 20A.02(a)(1), (2), (3), or (4), Penal Code; ~~or~~
  - (H) compelling prostitution under Section 43.05(a)(1), Penal Code;
  - (I) real property theft under Section 31.23, Penal Code; or
  - (J) real property fraud under Section 32.60, Penal Code;
- (3) seven years from the date of the commission of the offense:
- (A) an offense under Chapter 32, Penal Code, except as provided by Subdivision (2)(C) or (J);
  - (B) a felony violation under Chapter 162, Tax Code;
  - (C) money laundering;
  - (D) health care fraud under Section 35A.02, Penal Code;
  - (E) bigamy under Section 25.01, Penal Code, except as provided by Subdivision (7); or
- (F) possession or promotion of child pornography under Section 43.26, Penal Code;
- (4) five years from the date of the commission of the offense:
- (A) theft or robbery;
  - (B) except as provided by Subdivision (5), kidnapping;
  - (C) except as provided by Subdivision (1) or (5), burglary;
  - (D) injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code; or
  - (E) abandoning or endangering an elderly or disabled individual; or
  - (F) insurance fraud;
  - (G) assault under Section 22.01, Penal Code, if the assault was committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code;
  - (H) continuous violence against the family under Section 25.11, Penal Code; or
  - (I) aggravated assault under Section 22.02, Penal Code;
- (5) if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:
- (A) kidnapping under Section 20.03, Penal Code, or aggravated kidnapping under Section 20.04, Penal Code; or
  - (B) subject to Subdivision (1)(L), burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section because the defendant entered a habitation with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (A) of this subdivision;
- (6) 20 years from the 18th birthday of the victim of one of the following offenses:
- (A) trafficking of a child under Section 20A.02(a)(5) or (6), Penal Code; or
  - (B) sexual performance by a child under Section 43.25, Penal Code;
- (7) ten years from the 18th birthday of the victim of the offense:
- (A) injury to a child under Section 22.04, Penal Code;
  - (B) bigamy under Section 25.01, Penal Code, if the investigation of the offense shows that the person, other than the legal spouse of the defendant, whom the defendant marries or purports to marry or with whom the defendant lives under the appearance of being married is younger than 18 years of age at the time the offense is committed; or
  - (C) abandoning or endangering a child;
- (8) ten years from the date the offense was discovered: trafficking of a disabled individual under Section 20A.02(a)(5) or (6), Penal Code;
- (9) four years from the date the offense was discovered: failure to report child abuse or neglect if the offense is punishable as a state jail felony under Section 261.109(c), Family Code;
- (10) two years from the date the offense was discovered: sexual assault punishable as a state jail felony under Section 22.011(f)(2), Penal Code; or
- (11) three years from the date of the commission of the offense: all other felonies.

Amended effective Dec. 4, 2025 (SB 16, §1, Acts of the 89th Leg., 2nd S.S., 2025). Section 12 of SB 16 provides: "The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date." Section 13 of SB 16 provides: "The changes in law made by this Act in amending Article 12.01, Code of Criminal Procedure, do not apply

to an offense if the prosecution of that offense becomes barred by limitation before the effective date of this Act. The prosecution of that offense remains barred as if this Act had not taken effect."

## CHAPTER 17. BAIL

\* \* \*

### ART. 17.292. MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION

(a) At a defendant's appearance before a magistrate after arrest for an offense involving family violence or an offense under Section 20A.02, 20A.03, 22.011, 22.012, 22.021, or 42.072, Penal Code, the magistrate may issue an order for emergency protection on the magistrate's own motion or on the request of:

- (1) the victim of the offense;
- (2) the guardian of the victim;
- (3) a peace officer; or
- (4) the attorney representing the state.

(b) At a defendant's appearance before a magistrate after arrest for an offense involving family violence, the magistrate shall issue an order for emergency protection if the arrest is for an offense that also involves:

- (1) serious bodily injury to the victim; or
- (2) the use or exhibition of a deadly weapon during the commission of an assault.

(c) The magistrate in the order for emergency protection may prohibit the arrested party from:

- (1) committing:
  - (A) family violence or an assault on the person protected under the order; or
  - (B) an act in furtherance of an offense under Section 20A.02 or 42.072, Penal Code;
- (2) communicating:
  - (A) directly with a member of the family or household or with the person protected under the order in a threatening or harassing manner;
  - (B) a threat through any person to a member of the family or household or to the person protected under the order; or
  - (C) if the magistrate finds good cause, in any manner with a person protected under the order or a member of the family or household of a person protected under the order, except through the party's attorney or a person appointed by the court;
- (3) going to or near:
  - (A) the residence, place of employment, or business of a member of the family or household or of the person protected under the order; or
  - (B) the residence, child care facility, or school where a child protected under the order resides or attends;
- (4) possessing a firearm, unless the person is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision; or
- (5) tracking or monitoring personal property or a motor vehicle in the possession of the person protected under the order or of a member of the family or household of the person protected under the order, without the protected person's effective consent, including by:
  - (A) using a tracking application on a personal electronic device in the possession of the person or the family or household member or using a tracking device; or
  - (B) physically following the person or the family or household

member or causing another to physically follow the person or member.

(c-1) In addition to the conditions described by Subsection (c), the magistrate in the order for emergency protection may impose a condition described by Article 17.49(b) in the manner provided by that article, including ordering a defendant's participation in a global positioning monitoring system or allowing participation in the system by an alleged victim or other person protected under the order.

(d) The victim of the offense need not be present when the order for emergency protection is issued.

(d-1) The magistrate shall use the standardized order for emergency protection form created by the Office of Court Administration of the Texas Judicial System under Section 72.039, Government Code, to issue an order for emergency protection under this article.

(d-2) A magistrate's failure to use the standardized order for emergency protection form as required under Subsection (d-1) does not affect the validity or enforceability of the order for emergency protection issued.

(d-3) The person making the arrest or the person having custody of the defendant shall provide to the magistrate any information regarding the defendant that will aid the magistrate in issuing an order for emergency protection under this article. To the extent the information is available, the person making the arrest or the person having custody shall provide information regarding the victim of the offense to the magistrate to aid the magistrate in issuing the order for emergency protection. The person making the arrest or the person having custody, as applicable, shall, at a minimum, provide any information described by Section 411.042(b)(6), Government Code, available to the person and may use a form adopted by the Office of Court Administration of the Texas Judicial System under Section 72.039, Government Code, for this purpose. The failure to provide the necessary information to the magistrate does not negate the magistrate's authority or duty to issue an order for emergency protection under this article.

(e) In the order for emergency protection the magistrate shall specifically describe the prohibited locations and the minimum distances, if any, that the party must maintain, unless the magistrate determines for the safety of the person or persons protected by the order that specific descriptions of the locations should be omitted.

(f) To the extent that a condition imposed by an order for emergency protection issued under this article conflicts with an existing court order granting possession of or access to a child, the condition imposed under this article prevails for the duration of the order for emergency protection.

(f-1) To the extent that a condition imposed by an order issued under this article conflicts with a condition imposed by an order subsequently issued under Chapter 85, Subtitle B, Title 4, Family Code, or under Title 1 or Title 5, Family Code, the condition imposed by the order issued under the Family Code prevails.

(f-2) To the extent that a condition imposed by an order issued under this article conflicts with a condition imposed by an order subsequently issued under Chapter 83, Subtitle B, Title 4, Family Code, the condition imposed by the order issued under this article prevails unless the court issuing the order under Chapter 83, Family Code:

- (1) is informed of the existence of the order issued under this article; and
- (2) makes a finding in the order issued under Chapter 83, Family Code, that the court is superseding the order issued under this article.

(g) An order for emergency protection issued under this article must contain the following statements printed in bold-face type or in capital letters:

**"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE**



BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE, AS APPLICABLE, IN ADDITION TO VIOLATION OF THIS ORDER. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT.

“NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.”

(h) As soon as possible but not later than the next business day after the date the magistrate issues an order for emergency protection under this article, the magistrate shall send a copy of the order to the chief of police in the municipality where the member of the family or household or individual protected by the order resides, if the person resides in a municipality, or to the sheriff of the county where the person resides, if the person does not reside in a municipality. If the victim of the offense is not present when the order is issued, the magistrate issuing the order shall order an appropriate peace officer to make a good faith effort to notify, within 24 hours, the victim that the order has been issued by calling the victim’s residence and place of employment. The clerk of the court shall send a copy of the order to the victim at the victim’s last known address as soon as possible but not later than the next business day after the date the order is issued.

(h-1) A magistrate or clerk of the court may delay sending a copy of the order under Subsection (h) only if the magistrate or clerk lacks information necessary to ensure service and enforcement.

(i) If an order for emergency protection issued under this article prohibits a person from going to or near a child care facility or school, the magistrate shall send a copy of the order to the child care facility or school.

(i-1) The copy of the order and any related information may be sent under Subsection (h) or (i) electronically or in another manner that can be accessed by the recipient.

(j) An order for emergency protection issued under this article is effective on issuance, and the defendant shall be served a copy of the order by the magistrate or the magistrate’s designee in person or electronically. The magistrate shall make a separate record of the service in written or electronic format. An order for emergency protection issued under Subsection (a) or (b)(1) of this article remains in effect up to the 91st [64<sup>th</sup>] day but not less than 61 [34] days after the date of issuance. An order for emergency protection issued under Subsection (b)(2) of this article remains in effect up to the 121st [94<sup>th</sup>] day but not less than 91 [64] days after the date of issuance. After notice to each affected party and a hearing, the issuing court may modify all or part of an order issued under this article if the court finds that:

- (1) the order as originally issued is unworkable;
- (2) the modification will not place the victim of the offense at greater risk than did the original order; and
- (3) the modification will not in any way endanger a person protected under the order.

(k) To ensure that an officer responding to a call is aware of the existence and terms of an order for emergency protection issued under this article, not later than the third business day after the date of receipt of the copy of the order by the applicable law enforcement agency with jurisdiction over the municipality or county in which the victim resides, the law enforcement agency shall enter the information required under Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety.

(k-1) A law enforcement agency may delay entering the information required under Subsection (k) only if the agency lacks information necessary to ensure service and enforcement.

(l) In the order for emergency protection, the magistrate shall suspend a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, that is held by the defendant.

(m) In this article:

- (1) “Family,” “family violence,” and “household” have the meanings assigned by Chapter 71, Family Code.
- (2) “Firearm” has the meaning assigned by Chapter 46, Penal Code.
- (3) “Business day” means a day other than a Saturday, Sunday, or state or national holiday.

(n) On motion, notice, and hearing, or on agreement of the parties, an order for emergency protection issued under this article may be transferred to the court assuming jurisdiction over the criminal act giving rise to the issuance of the emergency order for protection. On transfer, the criminal court may modify all or part of an order issued under this subsection in the same manner and under the same standards as the issuing court under Subsection (j).

(n) On request [~~motion, notice, and hearing, or on agreement of the parties~~], all or part of an order for emergency protection issued under this article may be modified by [~~transferred to~~] the court that assumed [~~assuming~~] jurisdiction over the offense [~~criminal act~~] giving rise to the issuance of the [emergency] order [~~for protection~~]. The standards under Subsection (j) are applicable to a [~~On transfer, the criminal~~] court modifying [~~may modify~~] all or part of an order [issued] under this subsection [~~in the same manner and under the same standards as the issuing court under Subsection (j)~~].

Amendments to (n) effective Dec. 4, 2025 (HB 16, §9.04(a), Acts of the 89th Leg., 2nd S.S., 2025). Section 9.04(b) of HB 16 provides: “Article 17.292(n), Code of Criminal Procedure, as amended by this article, applies only to a magistrate’s order for emergency protection entered on or after the effective date of this Act. A magistrate’s order for emergency protection entered before the effective date of this Act is governed by the law in effect on the date the order was entered, and the former law is continued in effect for that purpose.”

## CHAPTER 19A. GRAND JURY ORGANIZATION

\* \* \*

### *Subchapter C. Grand Juror Qualifications; Exemptions from Service*

\* \* \*

#### ART. 19A.105. EXCUSE AND EXEMPTION FROM GRAND JURY SERVICE

(a) The court shall excuse from serving any summoned person who does not possess the requisite qualifications or who claims an exemption to which the person is entitled.

(b) The following qualified persons may be exempted [~~claim an exemption~~] from grand jury service:

- (1) a person who is 75 years of age or older;
- (2) a person responsible for the care of a child who is younger than 18 years of age and who will be without adequate supervision if the person serves on the grand jury;
- (3) a student of a public or private secondary school;
- (4) a person enrolled in and in actual attendance at an institution of higher education; and
- (5) any other person the court determines has a reasonable excuse from service.

Amendments to (b) effective Dec. 4, 2025 (HB 16, §13.01, Acts of the 89th Leg., 2nd S.S., 2025). Section 13.05 of HB 16 provides: "The changes in law made by this article apply only to a person who is summoned to appear for service on a grand jury or petit jury on or after the effective date of this Act. A person who is summoned to appear for service on a grand jury or petit jury before the effective date of this Act is governed by the law in effect on the date the person was summoned, and the former law is continued in effect for that purpose."

## CHAPTER 42. JUDGMENT AND SENTENCE

\* \* \*

### ART. 42.0376. RESTITUTION FOR REAL PROPERTY THEFT

(a) Except as provided by Subsection (b) and subject to Subsection (c), the court shall order a defendant convicted of or placed on deferred adjudication community supervision for an offense under Section 31.23, Penal Code, to pay restitution, as applicable:

- (1) for an offense under Section 31.23(b)(1), to the owner of the real property or nonpossessory interest in real property that is the subject of the offense in an amount equal to the value of the real property or nonpossessory interest;
- (2) for an offense under Section 31.23(b)(2), to the owner of the benefit that is the subject of the offense in an amount equal to the value of the benefit;
- (3) to a title company or insurer that paid a claim based on the conduct constituting the offense, in an amount equal to the value of the payment made by the title company or insurer; or
- (4) to the owner of the real property or nonpossessory interest in real property or the owner of the benefit in an amount equal to, as applicable:

(A) the value of losses incurred as a reasonably foreseeable result of the conduct constituting the offense, including loss of or damage to:

- (i) personal property, including machinery or vehicles located on or in the real property that is the subject of the offense;
  - (ii) trees, landscaping, flora, and growing or harvested agricultural commodities placed or maintained on the real property by the owner, regardless of the state of growth; or
  - (iii) a structure attached to the real property that is not included in the market value of the property for the tax year in which the offense was committed, as indicated on the appraisal roll for the appraisal district in which the real property is located;
- or

(B) reasonable attorney's fees and court costs related to an action brought to quiet title to or dispute the conveyance or possession of the real property that is the subject of the offense.

(b) The court may not order a defendant convicted of or placed on deferred adjudication community supervision for an offense under Section

31.23(b)(1), Penal Code, to pay restitution under Subsection (a)(1) if, before a judgment of conviction or order of deferred adjudication is entered in the case, the defendant:

- (1) is listed in the county real property records as the owner of the real property or nonpossessory interest in real property that is the subject of the offense;
- (2) executes a quitclaim deed or other instrument conveying the title or interest to the owner of the property or interest;
- (3) files for recording in the county real property records the quitclaim deed or other instrument; and
- (4) provides to the court a certified copy of the recorded quitclaim deed or other instrument.

(c) The court shall reduce the amount of restitution that a defendant is ordered to pay under Subsection (a)(1) by an amount equal to the value of a payment made by a title company or insurer for a claim based on the conduct constituting the offense to the person to whom the court orders the defendant to pay restitution.

Enacted effective Dec. 4, 2025 (SB 16, §3, Acts of the 89th Leg., 2nd S.S., 2025). See effective note following Art. 12.01.

## CHAPTER 43. EXECUTION OF JUDGMENT

\* \* \*

### ART. 43.09. FINE DISCHARGED

(a) When a defendant is convicted of a misdemeanor and the defendant's 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 is unable to pay the fine and costs adjudged against the defendant, the defendant 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 political subdivision located in whole or in part in the county, as provided in Article 43.10; or if there is no such county jail industries program, workhouse, farm, or improvements and maintenance projects, the defendant shall be confined in jail for a sufficient length of time to discharge the full amount of fine and costs adjudged against the defendant; rating such confinement at ~~\$150~~ ~~[\$100]~~ for each day and rating such labor at ~~\$150~~ ~~[\$100]~~ for each day; provided, however, that the defendant may pay the pecuniary fine assessed against the defendant at any time while the defendant 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 is serving the defendant's jail sentence, and in such instances the defendant is entitled to the credit earned under this subsection during the time that the defendant has served and the defendant shall only be required to pay the balance of the pecuniary fine assessed against the defendant. A defendant who performs labor under this article during a day in which the defendant is confined is entitled to both the credit for confinement and the credit for labor provided by this article.

(b) In its discretion, the court may order that for each day's confinement served by a defendant under this article, the defendant receive credit toward payment of the pecuniary fine and credit toward payment of costs adjudged against the defendant. Additionally, the court may order that the defendant receive credit under this article for each day's confinement served by the defendant as punishment for the offense.

(c) In its discretion, the court may order that a defendant serving con-



current, but not consecutive, sentences for two or more misdemeanors may, for each day served, receive credit toward the satisfaction of costs and fines imposed for each separate offense.

(d) Notwithstanding any other provision of this article, in its discretion, the court or the sheriff of the county may grant an additional two days credit for each day served to any inmate participating in an approved work program under this article or a rehabilitation, restitution, or education program.

(e) A court in a county that operates an electronic monitoring program or contracts with a private vendor to operate an electronic monitoring program under Section 351.904, Local Government Code, or that is served by a community supervision and corrections department that operates an electronic monitoring program approved by the community justice assistance division of the Texas Department of Criminal Justice, may require a defendant who is unable to pay a fine or costs to discharge all or part of the fine or costs by participating in the program. A defendant who participates in an electronic monitoring program under this subsection discharges fines and costs in the same manner as if the defendant were confined in county jail.

(f) A court may require a defendant who is unable to pay a fine or costs to discharge all or part of the fine or costs by performing community service.

(g) In the court's order requiring a defendant to perform community service under Subsection (f), the court must specify:

- (1) the number of hours of community service the defendant is required to perform;
- (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 under Subsection (f):

- (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) for:
  - (A) a governmental entity;
  - (B) 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 entity that accepts a defendant under Subsection (f) to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service and report on the defendant's community service to the district probation department or court-related services office.

(i) The court may require bail of a defendant to ensure the defendant's faithful performance of community service under Subsection (f) of this article and may attach conditions to the bail as it determines are proper.

(j) A court may not order a defendant to perform more than 16 hours per week of community service under Subsection (f) unless the court de-

termines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's dependents.

(k) A defendant is considered to have discharged \$150 [\$100] of fines or costs for each eight hours of community service performed under Subsection (f) of this article.

(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 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.

(m) *Repealed*

(n) This article does not apply to a court governed by Chapter 45A.

Amendments to (a) & (k) effective Dec. 4, 2025 (HB 16, §9.05(a), Acts of the 89th Leg., 2nd S.S., 2025). Section 9.05(b) of HB 16 provides: "Article 43.09(a), Code of Criminal Procedure, as amended by this article, applies to a defendant who is confined or performs labor to discharge fines or costs on or after the effective date of this Act, regardless of whether the offense for which the fines or costs were imposed occurred before, on, or after that date." Section 9.20 of HB 16 provides: "The changes in law made by this article to Articles 43.09(k), 45A.254(e), 45A.459(i), and 45A.460(i), Code of Criminal Procedure, apply to a defendant who performs community service to discharge fines or costs on or after the effective date of this Act, regardless of whether the offense for which the fines or costs were imposed occurred before, on, or after that date."

## CHAPTER 45A. JUSTICE AND MUNICIPAL COURTS

\* \* \*

### *Subchapter F. Judgment, Fines, and Costs*

#### ART. 45A.251. JUDGMENT

(a) The judgment and sentence for a conviction in a criminal action before a justice or judge is that the defendant pay the amount of the fine and costs to the state.

~~[(a-1) In a case involving a child who is eligible for diversion under Article 45A.504 that results in a trial, if the court determines that the evidence presented in a bench trial would support a finding of guilt, or if a jury returns a verdict of guilty, the court shall provide the child and the child's parents the opportunity to accept placement in diversion, under Article 45A.510, instead of entering an adjudication of guilt. If the child and the child's parents accept the opportunity for placement in diversion under Article 45A.510, the court shall place the child in diversion. If the child and the child's parents decline the opportunity for placement in diversion under Article 45A.510, the court shall find the child guilty and proceed to sentencing.]~~

(b) Subject to Articles 45A.253(a) and (b) and Article 45A.257, the justice or judge may direct the defendant:

- (1) to pay:
  - (A) the entire fine and costs when the sentence is pronounced;

- (B) the entire fine and costs at a later date; or
  - (C) a specified portion of the fine and costs at designated intervals;
  - (2) if applicable, to make restitution to a victim of the offense; and
  - (3) to satisfy any other sanction authorized by law.
- (c) Restitution made under Subsection (b)(2) may not exceed \$5,000 for an offense under Section 32.41, Penal Code.
- (d) The justice or judge shall credit the defendant for time served in jail as provided by Article 42.03. The credit under this subsection shall be applied to the amount of the fine and costs at the rate provided by Article 45A.262.
- (e) In addition to credit under Subsection (d), in imposing a fine and costs in a case involving a misdemeanor punishable by fine only, the justice or judge shall credit the defendant for any period the defendant was confined in jail or prison while awaiting trial or serving a sentence for another offense if that confinement occurred after the commission of the misdemeanor. The credit under this subsection shall be applied to the amount of the fine and costs at the rate of not less than \$150 for each day of confinement.
- (f) All judgments, sentences, and final orders of the justice or judge shall be imposed in open court.

Amendment to (e) effective Dec. 4, 2025 (HB 16, §9.06(a), Acts of the 89th Leg., 2nd S.S., 2025). Section 9.06(b) of HB 16 provides: "Article 45A.251(e), Code of Criminal Procedure, as amended by this article, applies to a defendant who is sentenced for an offense on or after the effective date of this Act, regardless of whether the offense was committed before, on, or after that date." Repeal of (a-1) effective \_\_\_\_, 2025 (HB 16, §10.10, Acts of the 89th Leg., 2nd S.S., 2025).

\* \* \*

#### ART. 45A.253. DISCHARGING FINES OR COSTS

- (a) In imposing a fine and costs, the justice or judge shall allow the defendant to pay the fine and costs in specified portions at designated intervals if the justice or judge determines that the defendant is unable to immediately pay the fine and costs.
- (b) If a diversion is not required under Subchapter K [~~or Article 45A.251(a-1)~~], a judge shall allow a defendant who is a child, as defined by Article 45A.453(a), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:
- (1) performing community service or receiving tutoring under Article 45A.460, regardless of whether the applicable offense occurred at a location specified by Subsection (a) of that article; or
  - (2) paying the fine and costs in a manner described by Article 45A.251(b).
- (c) The defendant must make the election under Subsection (b) in writing. The defendant and, if present, the defendant's parent, guardian, or managing conservator must sign the election. The court shall maintain the written election as a record of the court and provide a copy to the defendant.
- (d) Notwithstanding Article 45A.252 or any other provision of this chapter, in imposing a fine and costs, the justice or judge may not require a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care as provided by Subchapter G, Chapter 263, Family Code, to pay any amount of the fine and costs. In lieu of the payment of fine and costs, the justice or judge may require the defendant to perform community service as provided by Article 45A.254, 45A.459, or 45A.460, as appropriate.

Amendments to (b) effective Dec. 4, 2025 (HB 16, §10.01, Acts of the 89th Leg., 2nd S.S., 2025).

\* \* \*

#### ART. 45A.254. COMMUNITY SERVICE TO SATISFY FINES OR COSTS

- (a) A justice or judge may require a defendant who fails to pay a previously assessed fine or cost, or who is determined by the court to have insufficient resources or income to pay a fine or cost, to discharge all or part of the fine or cost by performing community service.
- (b) An order requiring a defendant to perform community service under this article 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 that the defendant completed the community service.
- (c) The justice or judge may order the defendant to perform community service 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) for:
    - (A) a governmental entity;
    - (B) a nonprofit organization or another organization that provides to the general public services 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) A justice or judge may not order a defendant to perform more than 16 hours each week of community service under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's dependents.
- (e) A defendant is considered to have discharged not less than \$150 [~~\$100~~] of fines or costs for each eight hours of community service performed under this article.
- (f) A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.
- (g) A community supervision and corrections department, a local juvenile probation department, or a court-related services office may provide the administrative and other services necessary to supervise a defendant required to perform community service under this article.
- (h) An entity that accepts a defendant to perform community service under this article must agree to:
- (1) supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and
  - (2) report on the defendant's community service to the justice or judge who ordered the service.
- (i) 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 to perform community service under this article or Subchapter K is not liable for damages arising from an act or failure to act in connection with the community service 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.

Amendment to (e) effective Dec. 4, 2025 (HB 16, §9.07, Acts of the 89th Leg., 2nd S.S., 2025). See effective note following Art. 43.09.

\* \* \*

### ***Subchapter G. Deferred Disposition***

#### **ART. 45A.302. DEFERRED 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, a judge may defer further proceedings for a period not to exceed 180 days without entering an adjudication of guilt.

(b) In issuing the order of deferral, the judge may impose a special expense fee ~~[fine]~~ 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.

(c) The fee ~~[fine]~~ described by Subsection (b) may be collected at any time before the date on which the period of deferral ends. A judge who orders the collection of the fee ~~[fine]~~ must require that the amount of the fee ~~[fine]~~ be credited toward the payment of the amount of any fine imposed by the judge as punishment for the offense.

(d) The judge may elect not to impose the special expense fee ~~[fine]~~ for good cause shown by the defendant.

(e) An order of deferral under this article terminates any liability under a bond given for the charge.

Amended effective Dec. 4, 2025 (HB 16, §7.01, Acts of the 89th Leg., 2nd S.S., 2025).

\* \* \*

### ***Subchapter J. Cases Involving Children***

\* \* \*

#### **ART. 45A.459. COMMUNITY SERVICE TO SATISFY FINES 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 cost for a Class C misdemeanor.

(b) A justice or judge may require a defendant described by Subsection (a) to discharge all or part of the fine or cost by performing community service.

(c) An order requiring a defendant to perform community service under this article must specify:

- (1) the number of hours of community service the defendant is required to perform, not to exceed 200 hours; and
- (2) the date by which the defendant must submit to the court documentation verifying that the defendant completed the community service.

(d) The justice or judge may order the defendant to perform community service 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) for:

(A) a governmental entity;

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

(C) an educational institution.

(e) An entity that accepts a defendant to perform community service under this article must agree to:

(1) supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and

(2) report on the defendant's community service to the justice or judge who ordered the service.

(f) A justice or judge may not order a defendant to perform more than 16 hours of community service each week under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's family, as defined by Section 71.003, Family Code.

(g) 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 to perform community service under this article 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 local juvenile probation department or a court-related services office may provide the administrative and other services necessary to supervise a defendant required to perform community service under this article.

(i) A defendant is considered to have discharged not less than \$150 ~~[\$100]~~ of fines or costs for each eight hours of community service performed under this article.

(j) A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.

Amended effective Dec. 4, 2025 (HB 16, §9.08, Acts of the 89th Leg., 2nd S.S., 2025). See effective note following Art. 43.09.

#### **ART. 45A.460. COMMUNITY SERVICE TO SATISFY FINES OR COSTS FOR CERTAIN JUVENILE DEFENDANTS FOR OFFENSES ON SCHOOL GROUNDS**

(a) This article applies only to a defendant younger than 17 years of age who is assessed a fine or cost 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 cost by performing community service.

(c) An order requiring a defendant to perform community service under this article 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 that the defendant completed the community service.



(d) The justice or judge may order the defendant to perform community service 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) for:

- (A) a governmental entity;
- (B) a nonprofit organization or another organization that provides to the general public services that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or
- (C) an educational institution.

(e) An entity that accepts a defendant to perform community service under this article must agree to:

- (1) supervise, either on-site or remotely, the defendant in the performance of the defendant's community service; and
- (2) report on the defendant's community service to the justice or judge who ordered the service.

(f) A justice or judge may not order a defendant to perform more than 16 hours of community service each week under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's family, as defined by Section 71.003, Family Code.

(g) 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 to perform community service under this article 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, grossly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(h) A local juvenile probation department or a court-related services office may provide the administrative and other services necessary to supervise a defendant required to perform community service under this article.

(i) A defendant is considered to have discharged not less than \$150 [~~\$100~~] of fines or costs for each eight hours of community service performed under this article.

(j) A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.

Amended effective Dec. 4, 2025 (HB 16, §9.09, Acts of the 89th Leg., 2nd S.S., 2025). See effective note following Art. 43.09.

\* \* \*

### ***Subchapter K. Youth Diversion***

#### **ART. 45A.501. DEFINITIONS**

In this subchapter:

(1) "Charge" means a formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending com-

plaint.

(2) "Child" has the meaning assigned by Article 45A.453(a).

(3) "Court" means a justice court, municipal court, or other court subject to this chapter.

(4) "Diversion" means an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions. The term includes diversion under Article 45A.509 or 45A.510.

(5) "Offense" means a misdemeanor punishable by fine only, other than a traffic offense.

(6) "Parent" has the meaning assigned by Article 45A.457(a).

(7) "Service provider" means a governmental agency, political subdivision, open-enrollment charter school, nonprofit organization, or other entity that provides services to children or families.

(8) "Youth diversion plan" means a plan adopted under Article 45A.506.

(8-a) "Traffic offense" has the meaning assigned by Section 51.02, Family Code.

Addition of (8-a) effective Dec. 4, 2025 (HB 16, §10.02, Acts of the 89th Leg., 2nd S.S., 2025).

\* \* \*

#### **ART. 45A.504. DIVERSION ELIGIBILITY**

(a) Except as otherwise provided by this subchapter, a child shall be diverted from formal criminal prosecution as provided by this subchapter.

(b) A child is eligible to enter into a diversion agreement under this subchapter only once every 12 months [~~365 days~~].

(b-1) A child is eligible to enter into a diversion agreement under this subchapter for more than one offense if the offenses are alleged to have occurred as part of the same criminal episode, as defined by Section 3.01, Penal Code.

(c) A child is not eligible for diversion if the child has previously had an unsuccessful diversion under this subchapter.

(d) A child is not eligible for diversion if a diversion is objected to by the attorney representing the state.

(e) A court may not divert a child from criminal prosecution as provided by this subchapter without the written consent of the child and the child's parent.

Amendment to (b) and addition of (b-1) effective Dec. 4, 2025 (HB 16, §10.03, Acts of the 89th Leg., 2nd S.S., 2025).

\* \* \*

#### **ART. 45A.510. DIVERSION BY JUSTICE OR JUDGE**

(a) If a charge involving a child who is eligible for diversion is filed with a court, and [a justice or judge shall divert the case under this article as follows:]

[(1) if] the child does not contest the charge, a justice or judge shall divert the case under this article without the child having to enter a plea[; or]

[(2) if the child contests the charge, a justice or judge shall divert the case under this article at the conclusion of trial on a finding of guilt without entering a judgment of conviction as provided by Article 45A.251].

(b) A diversion under this article may not exceed 180 days.

(c) The terms of a diversion agreement under this article must be in writing and may include any of the diversion strategies described by Article 45A.505.

(d) The case of a child who successfully complies with the terms of a di-

version agreement under this article shall be closed and reported as successful to the court.

(e) A child who does not comply with the terms of a diversion agreement under this article shall be referred to court for a hearing under Article 45A.511.

Amendments to (a) effective Dec. 4, 2025 (HB 16, §10.04, Acts of the 89th Leg., 2nd S.S., 2025).

\* \* \*

#### ART. 45A.512. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE

(a) The clerk of a justice or municipal court may collect from a child's parent an [a-\$50] administrative fee not to exceed \$50 to defray the costs of the diversion of the child's case under this subchapter.

(b) The fee under this article may not be collected unless specified as a term of the diversion agreement accepted by the child's parent. If the fee is not paid after giving the child's parent an opportunity to be heard, the court shall order the parent, if financially able, to pay the fee to the clerk of the court.

(c) A court shall waive the fee if the child's parent is indigent or does not have sufficient resources or income to pay the fee.

(d) A court may adopt rules for the waiver of a fee for financial hardship under this article.

(e) An order under Subsection (b) is enforceable against the parent by contempt.

(f) The clerk of the court shall keep a record of the fees collected under this article and shall forward the funds to the county treasurer, municipal treasurer, or person fulfilling the role of a county treasurer or municipal treasurer, as appropriate.

(g) The fee collected under this article shall be deposited in a special account that can be used only to offset the cost of the operations of youth diversion programs under this subchapter.

(h) Except for the fee authorized under Subsection (a), a fee may not be assessed for a child diverted under this subchapter.

(i) The diversion of a child may not be contingent on payment of a fee under this article.

Amendments to (a) effective Dec. 4, 2025 (HB 16, §10.05, Acts of the 89th Leg., 2nd S.S., 2025).

\* \* \*

### CHAPTER 102. COSTS, FEES, AND FINES PAID BY DEFENDANTS

#### *Subchapter A. Costs; Reimbursement Fees; Fines*

\* \* \*

#### **ART. 102.006. FEES IN EXPUNCTION PROCEEDINGS**

(a) In addition to any other fees required by other law and except as provided by Subsections (b) and (b-1), 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 55A 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 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 55A.151, and the petition for expunction is filed not later than the 30th day after the date of the acquittal.

(b-1) The fees under Subsection (a) shall be waived if the petitioner is entitled to expunction:

(1) under Article 55A.053(a)(2)(A) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law; or

(2) under Article 55A.053(a)(2)(B) after successful completion of a mental health court program created under Chapter 125, Government Code, or former law.

(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.

(d) This section expires January 1, 2026.

Enacted effective Sept. 17, 2025 (HB 16, §9.10, Acts of the 89th Leg., 2nd S.S., 2025). Section 9.10(b) of HB 16 provides: "This section takes effect immediately if this Act 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 section takes effect on the effective date of this Act."

#### **ART. 102.0061. FEES IN EXPUNCTION PROCEEDINGS**

(a) In addition to any other fees required by other law and except as provided by Subsections (c) and (d), a petitioner seeking expunction of a criminal record in a district court shall pay the fee charged for filing an ex parte petition in a civil action in district court.

(b) In addition to any other fees required by other law and except as provided by Subsection (c), a petitioner seeking expunction of a criminal record in a justice court or a municipal court of record under Chapter 55A 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.

(c) The fee under Subsection (a) or the fee under Subsection (b), 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 55A.151; and

(2) the petition for expunction is filed not later than the 30th day after the date of the acquittal.

(d) The fee under Subsection (a) shall be waived if the petitioner is entitled to expunction:

(1) under Article 55A.053(a)(2)(A) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law; or

(2) under Article 55A.053(a)(2)(B) after successful completion of a mental health court program created under Chapter 125, Government Code, or former law.

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

Enacted effective Jan. 1, 2026 (HB 16, §7.02, Acts of the 89th Leg., 2nd S.S., 2025).



\* \* \*

**ART. 102.017. COURTHOUSE SECURITY FUND;  
MUNICIPAL COURT BUILDING SECURITY FUND;  
JUSTICE COURT BUILDING SECURITY FUND**

(a) The courthouse security fund is a fund in the county treasury, and, except as provided in Subsection (g), the municipal court building security fund is a fund in the municipal treasury. The funds consist of money allocated to the funds under Sections 134.101, 134.102, 134.103, 135.101, and 135.102, Local Government Code.

(b) Money deposited in a courthouse security fund may be used only for security personnel, services, and items related to buildings that house the operations of district, county, or justice courts, and money deposited in a municipal court building security fund may be used only for security personnel, services, and items related to buildings that house the operations of municipal courts. For purposes of this subsection, operations of a district, county, or justice court include the activities of associate judges, masters, magistrates, referees, hearing officers, criminal law magistrate court judges, and masters in chancery appointed under:

- (1) Section 61.311, Alcoholic Beverage Code;
- (2) Section 51.04(g) or Chapter 201, Family Code;
- (3) Section 574.0085, Health and Safety Code;
- (4) Section 33.71, Tax Code;
- (5) Chapter 54A, Government Code; or
- (6) Rule 171, Texas Rules of Civil Procedure.

(c) For purposes of this article, the term "security personnel, services, and items" includes:

- (1) the purchase or repair of X-ray machines and conveying systems;
- (2) handheld metal detectors;
- (3) walkthrough metal detectors;
- (4) identification cards and systems;
- (5) electronic locking and surveillance equipment;
- (6) video conferencing systems;
- (7) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- (8) signage;
- (9) confiscated weapon inventory and tracking systems;

- (10) locks, chains, alarms, or similar security devices;
- (11) the purchase or repair of bullet-proof glass; and
- (12) continuing education on security issues for court personnel and security personnel; and
- (13) warrant officers and related equipment.

(d) This subsection applies only to a justice court located in a county in which one or more justice courts are located in a building that is not the county courthouse. The county treasurer shall deposit one-fourth of the money allocated to the courthouse security fund under Section 134.103, Local Government Code, in a fund to be known as the justice court building security fund. A fund designated by this subsection may be used only for the purpose of providing security personnel, services, and items for a justice court located in a building that is not the county courthouse.

(e) The courthouse security fund and the justice court building security fund shall be administered by or under the direction of the commissioners court. The municipal court building security fund shall be administered by or under the direction of the governing body of the municipality.

(e-1) In administering or directing funds under Subsection (e), a commissioners court shall consider the recommendations provided by a court security committee under Section 74.0922, Government Code, and the governing body of a municipality shall consider the recommendations provided by a court security committee under Sections 29.014(d) and 30.00007(c), Government Code.

(f) The sheriff, constable, or other law enforcement agency or entity that provides security for a court 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 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.

(g) This section does not apply to a municipality with a population of less than 100,000.

Addition of (e-1) effective Dec. 4, 2025 (HB 16, §7.03, Acts of the 89th Leg., 2nd S.S., 2025).



*Amendments made during the 2nd Special Session, 2025, by the 89th Texas Legislature*

## CHAPTER 53. PROCEEDINGS PRIOR TO JUDICIAL PROCEEDINGS

### SEC. 53.01. PRELIMINARY INVESTIGATION AND DETERMINATIONS; NOTICE TO PARENTS

(a) On referral of a person believed to be a child or on referral of the person's case to the office or official designated by the juvenile board, the intake officer, probation officer, or other person authorized by the board shall conduct a preliminary investigation to determine whether:

- (1) the person referred to juvenile court is a child within the meaning of this title; and
- (2) there is probable cause to believe the person:
  - (A) engaged in delinquent conduct or conduct indicating a need for supervision; or
  - (B) is a nonoffender who has been taken into custody and is being held solely for deportation out of the United States.

(b) If it is determined that the person is not a child or there is no probable cause, the person shall immediately be released.

(b-1) The person who is conducting the preliminary investigation shall, as appropriate, refer the child's case to a community resource coordination group, a local-level interagency staffing group, or other community juvenile service provider for services under Section 53.011, if the person determines that:

- (1) ~~the child is younger than 12 years of age;~~
- ~~[(2)]~~ there is probable cause to believe the child engaged in delinquent conduct or conduct indicating a need for supervision;
- (2) ~~[(3)]~~ the child's case does not require referral to the prosecuting attorney under Subsection (d) or (f);
- (3) ~~[(4)]~~ the child is eligible for deferred prosecution under Section 53.03; and
- (4) ~~[(5)]~~ the child:
  - (A) is younger than 12 years of age, and the child and the child's family are not currently receiving services under Section 53.011 and would benefit from receiving the services; or
  - (B) resides in a general residential operation, as that term is defined by Section 42.002, Human Resources Code.

(c) When custody of a child is given to the office or official designated by the juvenile board, the intake officer, probation officer, or other person authorized by the board shall promptly give notice of the whereabouts of the child and a statement of the reason the child was taken into custody to the child's parent, guardian, or custodian unless the notice given under Section 52.02(b) provided fair notice of the child's present whereabouts.

(d) Unless the juvenile board approves a written procedure by the office of prosecuting attorney and chief juvenile probation officer which provides otherwise, if it is determined that the person is a child and, regardless of a finding of probable cause, or a lack thereof, there is an allegation that the child engaged in delinquent conduct of the grade of felony, or conduct constituting a misdemeanor offense involving violence to a person or the use or possession of a firearm, location-restricted knife, or club, as those terms are defined by Section 46.01, Penal Code, or prohibited weapon, as described by Section 46.05, Penal Code, the case shall be promptly forwarded to the office of the prosecuting attorney, accompanied by:

- (1) all documents that accompanied the current referral; and
  - (2) a summary of all prior referrals of the child to the juvenile court, juvenile probation department, or a detention facility.
- (e) If a juvenile board adopts an alternative referral plan under Subsection (d), the board shall register the plan with the Texas Juvenile Justice Department.
- (f) A juvenile board may not adopt an alternate referral plan that does not require the forwarding of a child's case to the prosecuting attorney as provided by Subsection (d) if probable cause exists to believe that the child engaged in delinquent conduct that violates Section 19.03, Penal Code (capital murder), or Section 19.02, Penal Code (murder).

Amendments to (b-1) effective Dec. 4, 2025 (HB 16, §10.06, Acts of the 89th Leg., 2nd S.S., 2025). Section 10.11 of HB 16 provides: "Section 53.01(b-1), Family Code, as amended by this article, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before that date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For the purposes of this section, conduct occurred before the effective date of this Act if any element of the conduct occurred before that date."

\* \* \*

## CHAPTER 58. RECORDS; JUVENILE JUSTICE INFORMATION SYSTEM

### *Subchapter A. Creation and Confidentiality of Juvenile Records*

\* \* \*

### **SEC. 58.010. CONFIDENTIALITY OF WARRANTS OF ARREST**

Notwithstanding Article 15.26, Code of Criminal Procedure, an arrest warrant issued for a child and a complaint or affidavit on which an arrest warrant issued for a child is based are confidential and may be disclosed only to the following:

- (1) the judge, probation officer, and professional staff or consultants of the juvenile court;
- (2) a juvenile justice agency, as defined by Section 58.101;
- (3) a criminal justice agency, as defined by Section 411.082, Government Code;
- (4) an attorney representing the child's parent in a proceeding under this title;
- (5) an attorney representing the child;
- (6) a prosecuting attorney; or
- (7) with permission from the juvenile court, another individual, agency, or institution with a legitimate interest in the information or court.

Enacted effective Dec. 4, 2015 (HB 16, §15.04, Acts of the 89th Leg., 2nd S.S., 2025).

\* \* \*

## CHAPTER 82. APPLYING FOR PROTECTIVE ORDER

### *Subchapter A. Application for Protective Order*

#### SEC. 82.004. FORM AND CONTENT OF APPLICATION

(a) A person filing an application under this chapter shall use the protective order application form created by the Office of Court Administration of the Texas Judicial System under Section 72.039, Government Code, that is available on the office's Internet website, and shall include in the application:

- (1) the name ~~[and county of residence]~~ of each applicant;
- (2) the county of residence of each applicant, unless the applicant requests confidentiality pursuant to Section 82.011 or 85.007;
- (3) the name and county of residence of each individual alleged to have committed family violence;
- (4) ~~[(3)]~~ the relationships between the applicants and the individual alleged to have committed family violence;
- (5) ~~[(4)]~~ a request for one or more protective orders; ~~[and]~~
- (6) ~~[(5)]~~ whether an applicant is receiving services from the Title IV-D agency in connection with a child support case and, if known, the agency case number for each open case; and
- (7) any additional information known by the applicant that may assist in finding the respondent for the purposes of services.

(b) An applicant may submit an affidavit of confidentiality to the court pursuant to Section 72.039, Government Code, or Section 82.011 or 85.007, Family Code, to omit confidential information from the application and any subsequent protective order. An affidavit of confidentiality is only for the court's use and shall not be transmitted to the respondent.

(c) A party's failure to use the standardized protective order form as required under Subsection (a) does not affect the validity or enforceability of the application or any subsequent protective order issued.

Amended effective Dec. 4, 2025 (HB 16, §10.07, Acts of the 89th Leg., 2nd S.S., 2025).