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The Texas Juvenile Justice Department and the Juvenile Law Section wish to thank the following individuals for their contributions to the *2025 Special Legislative Issue*.

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Foreword

This is the 17th publication of the Juvenile Law Section post-legislative newsletter, which has been published every two years since 1993. These documents remain available online at the Juvenile Law Section's website, which can be found at www.juvenilelaw.org. They are a complement to Texas Juvenile Law, providing an in-depth historical look at modern juvenile justice in Texas and painting a picture of where we are today and how we got here. For many of us, these documents provide a glimpse into the minds of those who came before us, giving us information as to why laws were written and how they changed over time. Although this is a publication of the Juvenile Law Section, the Section is grateful to the work of the Texas Juvenile Justice Department in ensuring the continued publication.

Every effort has been made to include legislation that is of the most interest to juvenile justice practitioners, including Family Code and Education Code changes as well as changes related to the Code of Criminal Procedure, the Penal Code, and the Health and Safety Code. TJJD's enabling legislation in the Human Resources Code is included, as are changes related to juvenile boards and probation departments.

Legislation referenced in this publication is categorized in its most relevant substantive category; however, legislation that is relevant to more than one substantive area will generally only be referenced in the primary area. Although there were few changes to the Juvenile Justice Code this session, the complexity of juvenile law means that changes to many other areas of law have an impact. One of the biggest changes impacting juveniles this session is likely **HB 6**, which made significant revisions to school discipline. An in-depth discussion of this bill is included.

The publication of this document precedes the completion of the second called special session. If legislation that impacts juvenile justice is ultimately passed, the document will be updated and recirculated.

The publication is sorted topically, with bills generally kept intact and summarized once, as opposed to individual summaries of each section of statute. The table of contents is clickable and will help readers locate the topics that interest them. Additionally, in an effort to make it easier for readers to visualize the changes made by certain bills, unchanged subsections are sometimes included so that a section may be read in its entirety, with underlines and mark throughs. Efforts have also been made to include repealed sections, in mark-through format, so that the language can be easily accessed for years to come.

The statutory excerpts are intended as a general reference of selected statutes and should be considered a secondary source. While we have strived to accurately include relevant legislative changes and provide useful interpretative commentary, it is best to consult the original legislative enactments using the Texas Legislature Online website homepage at www.capitol.texas.gov.

The interpretations of legislation provided in this publication are solely the legal interpretations of the authors. As always, those with questions regarding legislation or other juvenile justice matters may reach out to the TJJD Legal Help Desk at legalhelp@tjjd.texas.gov. Although TJJD attorneys cannot provide legal advice, they can and do provide technical assistance to juvenile justice practitioners throughout the state.

The Juvenile Law Section offers a special note of thanks to the Texas Juvenile Justice Department for providing staff to help track and analyze legislation, present at the post-legislative conference, and prepare this publication. A special note of thanks also to Sophie Singer for volunteering her proofreading and formatting services for this publication.

Finally, please mark your calendars for the 39th Annual Juvenile Law Conference in Georgetown, March 1-4, 2026. Registration is not yet open, but when it is, it will be available at www.juvenilelawconference.com.

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89th Session Legislative Appropriations to the Texas Juvenile Justice Department

Emily Anderson
Deputy Executive Director – Finance and Support Operations
Texas Juvenile Justice Department

TJJD's baseline appropriation request of $850.0 million included $810.5 million in General Revenue. The agency also presented a list of additional funding requests totaling $342.0 million and 491.0 fulltime equivalent positions. TJJD provided the legislature with a "one system" approach to address the crisis and strain the system is experiencing and to continue reforming the juvenile justice system in Texas.

The initial versions of the House and Senate budgets were identical and increased TJJD's total baseline request by $100.2 million in All Funds. The increase to baseline funding was due to increases to funding formulas for basic probation supervision, secure facility supervision, and alternatives to secure placement to align with updated population projections. The increase is also attributable to funding for salary increases for TJJD juvenile correctional officers and juvenile probation staff, and funding to biennialize legislative salary increases provided by the 88th Legislature.

Through the committee process, the House and Senate considered how to best address juvenile justice needs. Each chamber made its own decisions on the budget and budget riders that guide how TJJD is funded and how TJJD expends appropriated funds. During the final stages of the process, the House and Senate resolved their differences generally to the agency's favor. TJJD received an appropriation of approximately $953.1 million in All Funds, which includes $22.3 million for additional requests in the conference committee version of the appropriations bill for the 2026-2027 biennium.

Several riders were added to TJJD's bill pattern. New riders 38 and 43 require the agency to submit reports on special education and dyslexia services at state facilities. In relation to the reporting riders, Rider 39 provides requirements for the use of allotments from the Foundation School Program. The agency received approximately $6.0 million for the biennium for increased per student allotments, including special education, ELL, and low-income allotments. Rider 42 provides appropriation for TJJD to contract with the Texas Department of Criminal Justice to purchase new uniforms for all Juvenile Correctional Officers.

TJJD received appropriations for increased costs for pre/post adjudication and regionalization placements, targeted grants for community-based programming, nurse and medical staff salary increases, information technology enhancements, and Schedule C pay parity for the Office of Inspector General. The following table shows a selection of FY2026-207 appropriations to TJJD across all methods of finance by functional area.

The 89th Legislative Session provided support to TJJD and the Juvenile Justice System. The appropriations received will allow TJJD to continue its work to unify and operate as one single system. Considerable time and resources will continue to be expended so that the juvenile justice system fully utilizes the resources provided and maintains momentum to transform TJJD into an agency that is a model for juvenile systems across the country.

Probation		FY2026	FY2027	Biennium		Biennial Change
	Grants	$ 259,492,397	$ 260,239,548	$ 519,731,945	↑	89%
State Residential Programs						
	State Residential	$ 173,790,215	$ 167,775,838	$ 341,566,053	↓	-139%
System Administration and Oversight						
	Training/Monitoring	$ 6,157,852	$ 6,157,852	$ 12,315,704	↑	65%
	Indirect Administration	$ 16,429,351	$ 14,965,183	$ 31,394,534	↑	90%
	Office of the Independent Ombudsman	$ 1,648,317	$ 1,648,317	$ 3,296,634	↑	63%
Inspector General						
	Inspector General	$ 16,128,111	$ 14,564,586	$ 30,692,697	↑	52%
Capital Budget						
	Information Resource Technology	$ 2,879,163	$ 2,000,000	$ 4,879,163	↑	84%
	Data Center Consolidation	$ 2,520,000	$ 2,520,000	$ 5,040,000	↑	86%
Note: The decrease seen in State Residential Programs is due to the removal of one-time funding recevied for new facility builds						

Texas Juvenile Justice Department

Appropriations and Riders for the 2025-2026 Biennium

Appropriation Strategy	FY 2026	FY 2027
A. Goal: Community Juvenile Justice		
A.1.1. Strategy: Prevention and Intervention	$3,012,177	$3,012,177
A.1.2. Strategy: Basic Probation Supervision	$116,566,745	$118,023,896
A.1.3. Strategy: Community Programs	$44,279,896	$44.279,896
A.1.4. Strategy: Pre and Post Adjudication Facilities	$32,619,167	$31,909,167
A.1.5. Strategy: Commitment Diversion Initiatives	$19,492,500	$19,492,500
A.1.6. Strategy: Juvenile Justice Alternative Ed Programs	$5,937,500	$5,937,500
A.1.7. Strategy: Mental Health Services Grants	$14,178,353	$14,178,353
A.1.8. Strategy: Regional Diversion Alternatives	$23,406,059	$23,406,059
A.1.9. Strategy: Probation System Support	$5,364,460	$2,864,460
Total, Goal A:	**$264,856,857**	**$263,104,008**
B. Goal: State Services and Facilities		
B.1.1. Strategy: Assessment, Orientation, Placement	$1,855,141	$1,855,141
B.1.2. Strategy: Facility Operations and Overhead	$27,070,704	$27,070,704
B.1.3. Strategy: Facility Supervision and Food Service	$79,469,691	$78,494,165
B.1.4. Strategy: Education	$17,887,903	$17,387,903
B.1.5. Strategy: Halfway House Operations	$6,601,113	$6,601,113
B.1.6. Strategy: Health Care	$12,560,256	$12,560,255
B.1.7. Strategy: Integrated Behavior Management	$19,519,635	$18,519,635
B.1.8. Strategy: Residential System Support	$4,818,632	$4,818,632
B.2.1. Strategy: Construct and Renovate Facilities	$4,007,140	$468,290
Total, Goal B:	**$173,790,215**	**$167,775,838**
C. Goal: Parole Services		
C. C.1.1. Strategy: Parole Direct Supervision and Reentry Services	**$2,923,930**	**$2,923,930**
D. Goal: Office of Independent Ombudsman		
D.1.1. Strategy: Office of Independent Ombudsman	**$1,648,317**	**$1,648,317**
E. Goal: Juvenile Justice System		
E.1.1. Strategy: Training and Certification	$3,238,351	$3,238,351

E.1.2. Strategy: Monitoring and Inspections	$2,649,418	$2,649,418
E.1.3. Strategy: Interstate Agreement	$270,083	$270,083
Total, Goal E:	**$6,157,852**	**$6,157,852**
F. Goal: Indirect Administration		
F.1.1. Strategy: Central Administration	$9,180,801	$9,180,801
F.1.2. Strategy: Information Resources	$7,248,550	$5,784,382
Total, Goal F:	**$16,429,351**	**$14,965,183**
G. Goal: Office of the Inspector General		
G.1.1. Strategy: Office of the Inspector General	**$16,128,111**	**$14,564,586**
Total Appropriation	**$481,934,633**	**$471,139,714**

Appropriation Riders to TJJD Budget

1. Performance Measure Targets.

The following is a listing of the key performance target levels for the Juvenile Justice Department. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Juvenile Justice Department. In order to achieve the objectives and service standards established by this Act, the Juvenile Justice Department shall make every effort to attain the following designated key performance target levels associated with each item of appropriation. [Modified due to length.]

2. Capital Budget.

None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code §1232.103. [Modified due to length.]

3. Appropriation of Other Agency Funds.

Included in the amounts appropriated above in Strategies B.1.3, Facility Supervision and Food Service, and B.1.4, Education, are Appropriated Receipts from unexpended balances remaining in Independent School District Funds (not to exceed $155,000), the Student Benefit Fund (not to exceed $140,000), and the Canteen Revolving Funds (not to exceed $7,500). Any gifts, grants, and donations as of August 31, 2025, and August 31, 2025, (estimated to be $0), and any revenues accruing to those funds are appropriated to those funds for the succeeding fiscal years. Funds collected by vocational training shops at Texas Juvenile Justice Department facilities, including unexpended balances as of August 31, 2025, (not to exceed $21,000), are appropriated for the purpose of purchasing and maintaining parts, tools, and other supplies necessary for the operation of those shops.

4. Revolving Funds.

The Juvenile Justice Department may establish out of any funds appropriated a revolving fund not to exceed $10,000 in the Central Office, and $10,000 in each institution, field office, or facility

under its direction. Payments from these revolving funds may be made as directed by the department. Reimbursement to such revolving funds shall be made out of appropriations provided for in this Article.

5. Student Employment.

Subject to the approval of the Juvenile Justice Department (JJD), students residing in any JJD facility may be assigned necessary duties in the operations of the facility and be paid on a limited basis out of any funds available to the respective institutions or facility not to exceed $50,000 per year for each institution and $10,000 per year for any other facility.

6. Appropriation and Tracking of Title IV-E Receipts.

The provisions of Title IV-E of the Social Security Act shall be used in order to increase funds available for juvenile justice services. The Juvenile Justice Department (JJD) shall certify to the Texas Department of Family and Protective Services that federal financial participation can be claimed for Title IV-E services provided by counties. JJD shall direct necessary general revenue funding to ensure that the federal match for the Title IV-E Social Security Act is maximized for use by participating counties. Such federal receipts are appropriated to JJD for the purpose of reimbursing counties for services provided to eligible children. In accordance with Article IX, Part 13 of this Act, when reporting Federal Funds to the Legislative Budget Board, JJD must report funds expended in the fiscal year that funds are disbursed to counties, regardless of the year in which the claim was made by the county, received by JJD, or certified by JJD.

7. Federal Foster Care Claims.

Out of appropriations made above, the Texas Department of Family and Protective Services and the Juvenile Justice Department shall document possible foster care claims for children in juvenile justice programs and maintain an interagency agreement to implement strategies and responsibilities necessary to claim additional federal foster care funding; and consult with juvenile officials from other states and national experts in designing better foster care funding initiatives.

8. Employee Medical Care.

Appropriations made in this Act for the Juvenile Justice Department (JJD) not otherwise restricted in use may also be expended to provide medical attention by medical staff and infirmaries at JJD facilities, or to pay necessary medical expenses, including the cost of broken eyeglasses and other health aids, for employees injured while performing the duties of any hazardous position which is not reimbursed by workers' compensation and/or employees' state insurance. For the purpose of this section, "hazardous position" shall mean one for which the regular and normal duties inherently involve the risk or peril of bodily injury or harm. Appropriations made in this Act not otherwise restricted in use may also be expended for medical tests and procedures on employees that are required by federal or state law or regulations when the tests or procedures are required as a result of the employee's job assignment or when considered necessary due to potential or existing litigation.

9. Safety.

In instances in which regular employees of facilities operated by the Juvenile Justice Department are assigned extra duties on special tactics and response teams, supplementary payments, not to exceed $200 per month for team leaders and $150 per month for team members, are authorized in addition to the salary rates stipulated by the provisions of Article IX of this Act relating to the position classifications and assigned salary ranges.

10. Charges to Employees and Visitors.

(a) Collections for services rendered to Juvenile Justice Department (JJD) employees and visitors shall be made by a deduction from the recipient's salary or by cash payment in advance. Such deductions and other receipts for these services from employees and visitors are appropriated to the facility. Refunds of excess collections shall be

made from the appropriation to which the collection was deposited.

(b) As compensation for services rendered and notwithstanding any other provision in this Act, any facility under the jurisdiction of JJD may provide free meals for food service personnel and volunteer workers and may furnish housing facilities, meals, and laundry service in exchange for services rendered by interns, chaplains in training, student nurses, and juvenile correctional officers.

11. Juvenile Justice Alternative Education Program (JJAEP).

Funds transferred to the Juvenile Justice Department (JJD) pursuant to Texas Education Agency (TEA) Rider 26 and appropriated above in Strategy A.1.6, Juvenile Justice Alternative Education Programs, shall be allocated as follows: Fifteen percent at the beginning of each fiscal year to be distributed on the basis of juvenile age population among the mandated counties identified in Chapter 37, Education Code.

The remaining funds shall be allocated for distribution to the counties mandated by Section 37.011(a) Education Code, at the rate of $96 per student per day of attendance in the JJAEP for students who are required to be expelled as provided under Section 37.007, Education Code. Counties are not eligible to receive these funds until the funds initially allocated at the beginning of each fiscal year have been expended at the rate of $96 per student per day of attendance. Counties in which populations exceed 72,000 but are 125,000 or less, may participate in the JJAEP and are eligible for state reimbursement at the rate of $96 per student per day.

JJD may expend any remaining funds for summer school programs. Funds may be used for any student assigned to a JJAEP. Summer school expenditures may not exceed ten percent of appropriation.

Unexpended balances in fiscal year 2026 shall be appropriated to fiscal year 2027 for the same purposes in Strategy A.1.6, Juvenile Justice Alternative Education Programs.

The amount of $96 per student per day for the JJAEP is an estimated amount and not intended to be an entitlement. Appropriations for JJAEP are limited to the amounts transferred from the Foundation School Program pursuant to TEA Rider 26. The amount of $96 per student per day may vary depending on the total number of students actually attending the JJAEPs. Any unexpended or unobligated appropriations shall lapse at the end of fiscal year 2025 to the Foundation School Fund No. 193.

If the daily mandatory attendance reimbursement rate falls below $86 per day due to increased days of attendance (the rate established for the 2014-15 school year), TEA will increase appropriated funds to JJD to provide a minimum reimbursement of $86 per attendance day.

JJD may reduce, suspend, or withhold JJAEP funds to counties that do not comply with standards, accountability measures, or Texas Education Code Chapter 37.

12. Funding for Additional Eligible Students in JJAEPs.

Out of funds appropriated above in Strategy A.1.6, Juvenile Justice Alternative Education Programs, a maximum of $500,000 in each fiscal year (for a maximum of 90 attendance days per child), is allocated for counties with a population of at least 72,000 which operate a JJAEP under the standards of Chapter 37, Texas Education Code. The county is eligible to receive funding from the Juvenile Justice Department at the rate of $96 per day per student for students who are required to be expelled under Section 37.007, Education Code, and who are expelled from a school district in a county that does not operate a JJAEP.

13. JJAEP Accountability.

Out of funds appropriated above in Strategy A.1.6, Juvenile Justice Alternative Education Programs (JJAEP), the Juvenile Justice Department (JJD) shall ensure that JJAEPs are held accountable for student academic and behavioral success. JJD shall submit a performance assessment report to the Legislative Budget Board and the Gov-

ernor by May 1, 2026. The report shall include the following:

(a) an assessment of the degree to which each JJAEP enhanced the academic performance and behavioral improvement of attending students;

(b) a detailed discussion on the use of standard measures used to compare program formats and to identify those JJAEPs most successful with attending students;

(c) student passage rates on the State of Texas Assessments of Academic Readiness (STAAR) in the areas of reading and math for students enrolled in the JJAEP for a period of 75 days or longer;

(d) standardized cost reports from each JJAEP and their contracting independent school district(s) to determine differing cost factors and actual costs per each JJAEP program by school year;

(e) average cost per student attendance day for JJAEP students. The cost per day information shall include an itemization of the costs of providing educational services mandated in the Education Code, Section 37.011. This itemization shall separate the costs of mandated educational services from the cost of all other services provided in JJAEPs. Mandated educational services include facilities, staff, and instructional materials specifically related to the services mandated in Education Code, Section 37.011. All other services include, but are not limited to, programs such as family, group, and individual counseling, military-style training, substance abuse counseling, and parenting programs for parents of program youth; and

(f) inclusion of a comprehensive five-year strategic plan for the continuing evaluation of JJAEPs which shall include oversight guidelines to improve: school district compliance with minimum program and accountability standards, attendance reporting, consistent collection of costs and program data, training, and technical assistance needs.

14. Appropriation Transfers between Fiscal Years.

In addition to the transfer authority provided elsewhere in this Act, the Juvenile Justice Department may transfer appropriations in an amount not to exceed $10,000,000 in General Revenue made for fiscal year 2026 to fiscal year 2027 subject to the following conditions provided by this section:

(a) transfers under this section may be made only if (1) juvenile correctional populations exceed appropriated areas of daily population targets or (2) for any other emergency expenditure, including expenditures necessitated by public calamity;

(b) a transfer authorized by this section must receive prior approval from the Governor and the Legislative Budget Board; and

(c) the Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending under this section.

15. State-owned Housing Authorized.

The chief superintendent and the assistant superintendent are authorized to live in state-owned housing at a rate determined by the department. Other Juvenile Justice Department employees may live in state-owned housing as set forth in Article IX, Section 11.02, Reporting Related to State Owned Housing, of this Act. Fees for employee housing are appropriated to be used for maintaining employee housing and shall at least cover the agency cost of maintenance and utilities for the housing provided.

16. Unexpended Balances – Hold Harmless Provision.

Any unexpended balances as of August 31, 2026, in Strategy A.1.2, Basic Probation Supervision (estimated to be $400,000), above are appropriated to the Juvenile Justice Department in fiscal year 2027 for the purpose of providing funding for juvenile probation departments whose allocation would otherwise be affected as a result of reallocations related to population shifts.

17. Appropriation: Refunds of Unexpended Balances from Local Juvenile Probation Departments.

The Juvenile Justice Department (JJD) shall ensure that the agency is refunded all unexpended and unencumbered balances of state funds held as of the close of each fiscal year by local juvenile probation departments. Any unexpended balances of probation department refunds as of August 31, 2025, are appropriated to JJD for the purpose of providing grants to local probation departments in the fiscal year beginning September 1, 2025. All fiscal year 2026 and fiscal year 2027 refunds received from local juvenile probation departments by JJD (Appropriated Receipts, estimated to be $0) are appropriated above in A.1.1, Prevention and Intervention, A.1.2, Basic Probation Services, A.1.3, Community Programs, A.1.4, Pre and Post Adjudication Facilities, Strategy A.1.5, Commitment Diversion Initiatives, A.1.6, Juvenile Justice Alternative Education Programs, A.1.7, Mental Health Services Grants, or A.1.8, Regional Diversion Alternatives. Any unexpended balances of probation department refunds as of August 31, 2026, are appropriated to JJD for the purpose of providing grants to local juvenile probation departments in the fiscal year beginning September 1, 2026.

18. Salaries, Education Professionals.

(a) Each principal, supervisor, and classroom teacher employed in a facility operated by the Juvenile Justice Department (JJD) shall receive a monthly salary to be computed as follows: The applicable monthly salary rate specified in Section 21.402, Education Code, as amended, shall be multiplied by ten to arrive at a ten month salary rate. Such rate shall be divided by the number of days required in Section 21.401, Education Code, for 10-month employees, and the resulting daily rate shall be multiplied by the number of on-duty days required of JJD educators, resulting in the adjusted annual salary. The adjusted annual salary is to be divided by 12 to arrive at the monthly rate. Salary rates for educational aides commencing employment before September 1, 1999, shall be calculated in the same manner, using 60 percent of the salary rate specified in Section 21.402, Education Code.

(b) JJD may authorize a salary rate above the adjusted annual salary determined in the formula provided by Section a.

(c) There is appropriated to JJD from any unexpended balances on hand as of August 31, 2024, funds necessary to meet the requirements of this section in fiscal year 2025 in the event adjustments are made in the salary rates specified in the Education Code.

19. Training for GED and Reading Skills.

Out of funds appropriated above in Strategy B.1.4, Education, the Juvenile Justice Department shall prioritize teaching students to read at grade level and preparation for the GED in its educational program. A report containing statistical information regarding student performance on the Test of Adult Basic Education (TABE) shall be submitted to the Legislative Budget Board and the Governor on or before December 1, 2026.

20. Salary Adjustment Authorized.

Notwithstanding other provisions of this Act, the Juvenile Justice Department may adjust salaries and pay an additional shift differential so long as the resulting salary rate does not exceed the rate designated as the maximum rate for the applicable salary group of Juvenile Correctional Officers I, Juvenile Correctional Officers II, Juvenile Correctional Officers III, Juvenile Correctional Officers IV, Juvenile Correctional Officers V, and Juvenile Correctional Officers VI to rates within the designated salary group for the purpose of recruiting, employing, and retaining career juvenile correctional personnel. A shift differential may be provided based off facility geographic location, facility classification, and for evening, night, or weekend shifts. Merit raises are permitted for all Juvenile Correctional Officers who are not receiving or are no longer eligible to receive step adjustments in the career ladder system.

21. Appropriations Prohibited for Purposes of Payment to Certain Employees.

None of the appropriations made by this Act to the Juvenile Justice Department (JJD) may be distributed to or used to pay an employee of JJD who is required to register as a sex offender under Code of Criminal Procedure, Chapter 62, or has been convicted of an offense described in Code of Criminal Procedure, Article 42A.054.

22. Managed Health Care and Mental Health Services Contract(s).

Out of funds appropriated above, the Juvenile Justice Department (JJD) shall develop and manage a provider contract, or contracts, to deliver the most effective managed health care and mental health (psychiatric) services for the best value. Potential service providers shall not be entitled to pass-through funding from JJD appropriations.

23. JJAEP Disaster Compensation.

Out of funds appropriated above in Strategy A.1.6, Juvenile Justice Alternative Education Programs, the Juvenile Justice Department may compensate a mandatory JJAEP for missed mandatory student attendance days in which disaster, flood, extreme weather condition, or other calamity has a significant effect on the program's attendance.

24. Reporting Requirements to the Legislative Budget Board.

From funds appropriated above, the Juvenile Justice Department shall maintain a specific accountability system for tracking funds targeted at making a positive impact on youth. JJD shall implement a tracking and monitoring system so that the use of all funds appropriated can be specifically identified and reported to the Legislative Budget Board. In addition to any other requests for information, the agency shall produce an annual report on the following information for the previous fiscal year to the Legislative Budget Board by December 1st of each year:

(a) The report shall include detailed monitoring, tracking, utilization, and effectiveness information on all funds appropriated in Goal A, Community Juvenile Justice. The report shall include information on the impact of any new initiatives and all programs tracked by JJD. Required elements include, but are not limited to:

(1) Prevention and intervention programs;

(2) Residential placements;

(3) Enhanced community-based services for serious and chronic felons such as sex offender treatment, intensive supervision, and specialized supervision;

(4) Community-based services for misdemeanants no longer eligible for commitment to the Juvenile Justice Department; and

(5) Commitment Diversion Initiatives.

(b) The report shall include a section dedicated to Regional Diversion Alternatives and the Regionalization Task Force. The section shall include regionalization program details, relevant program data, outcome date, Regionalization Task Force updates and provide a long-term plan for diverting more youth from state to local care.

(c) The report shall include information on all training, inspection, monitoring, investigation, and technical assistance activities conducted using funds appropriated in Goals A and E. Required elements include training conferences held, practitioners trained, facilities inspected, and investigations conducted.

(d) The report shall include a summary of data, including performance measure details on programs in Goal B, State Services and Facilities. The information shall include:

(1) Data on recidivism for state and local commitments (including re-arrest, re-referrals, and any other LBB performance measures related to recidivism);

(2) A long-term proposal to reduce recidivism at the state and local levels; and

(3) Data on youth who commit assaults and other violent offenses on staff or youth while in

TJJD custody and a plan to expedite transfer of youth serving determinate sentences to the Texas Department of Criminal Justice.

(e) The annual report submitted to the Legislative Budget Board pursuant to this provision must be accompanied by supporting documentation detailing the sources and methodologies utilized to assess program effectiveness and any other supporting material specified by the Legislative Budget Board.

(f) The annual report submitted to the Legislative Budget Board pursuant to this provision must contain a certification by the person submitting the report that the information provided is true and correct based upon information and belief together with supporting documentation.

(g) The annual report submitted to the Legislative Budget Board pursuant to this provision must contain information on each program receiving funds from Strategy A.1.1, Prevention and Intervention, including all outcome measures reported by each program and information on how funds were expended by each program.

In addition to the annual report described above, the Juvenile Justice Department shall report juvenile probation population data as requested by the Legislative Budget Board on a monthly basis for the most recent month available. JJD shall report to the Legislative Budget Board on all populations specified by the Legislative Budget Board, including additions, releases, and end-of month populations. End of fiscal year data shall be submitted indicating each reporting county to the Legislative Budget Board no later than two months after the close of each fiscal year. JJD will use Legislative Budget Board population projections for probation supervision and state correctional populations when developing its legislative appropriations request for the 2028-2029 biennium.

Upon the request of the Legislative Budget Board, the Juvenile Justice Department shall report expenditure data by strategy, program, or in any other format requested, including substrategy expenditure detail.

The Comptroller of Public Accounts shall not allow the expenditure of funds appropriated by this Act to JJD in Goal F, Indirect Administration, if the Legislative Budget Board certifies to the Comptroller of Public Accounts that JJD is not in compliance with any of the provisions of this Section.

25. Commitment Diversion Initiatives.

Out of the funds appropriated above in Strategy A.1.5, Commitment Diversion Initiatives, $19,492,500 in General Revenue Funds in fiscal year 2026 and $19,492,500 in General Revenue Funds in fiscal year 2027, may be expended only for the purposes of providing programs for the diversion of youth from the Juvenile Justice Department (JJD). The programs may include residential, community-based, family, and aftercare programs. The allocation of State funding for the program is not to exceed a daily rate based on the level of care the juvenile receives. JJD shall ensure that the State is refunded all unexpended and unencumbered balances of State funds at the end of each fiscal year.

These funds shall not be used by local juvenile probation departments for salary increases or costs associated with the employment of staff hired prior to September 1, 2009.

JJD shall require juvenile probation departments participating in the diversion program to report to JJD regarding the use of funds within thirty days after the end of each quarter. JJD shall report to the Legislative Budget Board regarding the use of the funds within thirty days after receipt of each county's quarterly report. Items to be included in the report include, but are not limited to, the amount of funds expended, the number of youth served by the program, the percent of youth successfully completing the program, the types of programming for which the funds were used, the types of services provided to youth served by the program, the average actual cost per youth participating in the program, the rates of recidivism of program participants, the number of youth committed to JJD, any consecutive length of time over six months a juvenile served by the diversion program resides in a secure cor-

rections facility, and the number of juveniles transferred to criminal court under Family Code, Section 54.02.

JJD shall maintain a mechanism for tracking youth served by the diversion program to determine the long-term success for diverting youth from state juvenile correctional incarceration and the adult criminal justice system. A report on the program's results shall be included in the report that is required under JJD Rider 25, Reporting Requirements to the Legislative Budget Board, to be submitted to the Legislative Budget Board by December 1st of each year. In the report, JJD shall report the cost per day and average daily population of all programs funded by Strategy A.1.5, Commitment Diversion Initiatives, for the previous fiscal year.

The Comptroller of Public Accounts shall not allow the expenditure of funds appropriated by this Act to JJD in Goal F, Indirect Administration, if the Legislative Budget Board certifies to the Comptroller of Public Accounts that JJD is not in compliance with any of the provisions of this Section.

26. Mental Health Services Grants.

Included in the amounts appropriated above in Strategy A.1.7, Mental Health Services Grants, is $14,178,353 in fiscal year 2026 and $14,178,353 in fiscal year 2027 to fund mental health services provided by local juvenile probation departments. Funds subject to this provision shall be used by local juvenile probation departments only for providing mental health services to juvenile offenders. Funds subject to this provision may not be utilized for administrative expenses of local juvenile probation departments nor may they be used to supplant local funding.

27. Youth Transport.

In instances in which Juvenile Correctional Officers of facilities operated by the Juvenile Justice Department are assigned duties to transport youth between locations, supplementary payments, not to exceed $30 per day during which the employee performs such duties, are authorized in addition to the salary rates stipulated by the provisions of Article IX of this Act relating to the position classification and assigned salary ranges.

28. Harris County Leadership Academy.

Out of funds appropriated above in Strategy A.1.4, Pre and Post-Adjudication Facilities, the amount of $1,000,000 in General Revenue Funds in each fiscal year shall be expended for the Harris County Leadership Academy.

29. Office of the Independent Ombudsman and Office of the Inspector General.

From funds appropriated above, the Juvenile Justice Department (JJD) shall not transfer appropriations from Strategy D.1.1, Office of the Independent Ombudsman (OIO), and Strategy G.1.1, Office of the Inspector General (OIG), without prior written approval from the Governor and the Legislative Budget Board. JJD shall not reduce the number of full-time equivalent positions (FTEs) allocated to the OIO (13.0 FTEs) and OIG (116.4 FTEs) without prior written approval from the Governor and the Legislative Budget Board.

JJD shall provide indirect support and administrative resources as necessary to enable OIO and OIG to fulfill statutory responsibilities, and the manner in which they are provided shall not infringe on the independence of those offices.

Budget requests or other requests related to the General Appropriations Act provisions shall be submitted by JJD in a manner that maintains the independence of the OIO and OIG.

30. Non-Profit Pilot Programs.

From funds appropriated above in Strategy A.1.3, Community Programs, is $250,000 in General Revenue in each fiscal year of the 2026-27 biennium to establish and operate pilot programs in Harris, Hidalgo, and Cameron counties administered by non-profits that provide trauma-informed counseling and life-skills and hands-on vocational training for youth, including those who were previously committed to state correctional custody in the Juvenile Justice Depart-

ment. The non-profit must be supported by the counties.

31. Prevention, Intervention, and Commitment Diversion.

(a) Amounts appropriated above in Strategy A.1.1, Prevention and Intervention, are to continue programs and services designated to keep youth from having formal contact with the juvenile system.

(b) Amounts appropriated above in Strategy A.1.5, Commitment Diversion, are to continue providing juvenile probation departments the ability to operate basic supervision, community and health programs, and place youth within their communities.

32. Harris County Front-End Multisystemic Therapy Team.

Out of the funds appropriated above in Strategy A.1.3, Community Programs, $500,000 in General Revenue for fiscal year 2026 and $500,000 in General Revenue for fiscal year 2027 shall be used to continue a front-end Multisystemic Therapy (MST) team in Harris County to prevent youth and adolescents from entering the juvenile justice and child welfare systems.

Not later than November 30, 2026, JJD shall submit a performance report to the Legislative Budget Board that includes standard measures to assess the success of the program, including the number of youth and adolescents who have been diverted from the juvenile justice and child welfare systems.

33. Urban County Admissions.

The Juvenile Justice Department (JJD) shall collaborate with urban counties with a juvenile population of 100,000 or greater regarding the possibility of housing some or all of its own JJD admissions, including provision of funds, treatment, services, and monitoring. The agency may use funds appropriated above to contract with urban counties to provide these services.

34. El Paso Front-End Multisystemic Therapy Team.

Out of the funds appropriated above in Strategy A.1.3, Community Programs, $500,000 in General Revenue for fiscal year 2024 and $500,000 in General Revenue for fiscal year 2025 shall be used to continue a front-end Multisystemic Therapy (MST) team in El Paso County to prevent youth and adolescents from entering the juvenile justice and child welfare systems.

Not later than November 30, 2026, JJD shall submit a performance report to the Legislative Budget Board that includes standard measures to assess the success of the program, including the number of youth and adolescents who have been diverted from the juvenile justice and child welfare systems.

35. Human Resources Management Plan.

From funds appropriated above, the Texas Juvenile Justice Department (TJJD) shall develop a Human Resources Management Plan designed to improve employee morale and retention. The plan must focus on reducing employee turnover through better management. TJJD shall report by October 1 of each year to the Senate Finance Committee, the House Committee on Appropriations, the Legislative Budget Board, and the Governor. Each report shall include, at a minimum and for at least the preceding twelve months, the following information by job category: employee turnover rate, percent workers retained six months after completion of training, and employee tenure. The effectiveness of TJJD's plan shall be measured by whether there is a reduction in employee turnover rates at the agency, specifically by the reduction in the turnover rates for juvenile correctional officers.

36. Appropriation for Salary Increase for Local Juvenile Probation Departments.

Included in the amounts appropriated above in Strategy A.1.2, Basic Probation Services, the Juvenile Justice Department is appropriated $34,302,034 in fiscal year 2026 and $34,302,034 in fiscal year 2027 in General Revenue Funds in order to provide a pay increase for Juvenile Pro-

bation Officers, Juvenile Supervision Officers, Supervisory Administrators, and Chiefs at local juvenile probation departments. Salary increases shall be allocated to provide a 5.0 percent increase in annual salary with a minimum of $3,000 per annum increase in salary, to begin on September 1, 2023, and another increase in annual salary to occur on September 1, 2024, consisting of an additional 5.0 percent increase with a minimum of $3,000 per annum increase in salary. Appropriations include amounts needed for payroll-based benefits.

37. Construction of Facilities.

From amounts appropriated during the 2024-25 biennium, the Texas Juvenile Justice Department (TJJD) shall construct a minimum of 200 beds in new state facility capacity. Newly constructed facilities may include services and appropriate physical features to serve youth with acute mental health needs, youth exhibiting highly aggressive or violent behavior, and provide necessary mental health, counseling, therapy and other services to rehabilitate youth and to provide appropriate workforce development training for youth as appropriate. Out of funds appropriated above, TJJD shall:

(a) develop a plan for the ongoing operations of the current and new state-operated juvenile correctional facilities and submit the plan in writing, not later than December 31, 2025, to the Offices of the Lt. Governor, Speaker, Sunset Advisory Commission, Senate Finance Committee and House Appropriations Committee. The plan shall:

(1) indicate a long-term plan for youth residential placements in each facility based on youth needs and available community and TJJD facility resources; and

(2) provide an identification and assessment plan for youth that will be eligible for transfer or placement in new facilities.

(b) submit a report no less than quarterly per fiscal year regarding the status of each new facility's progress, plan, and timeline to the Legislative Budget Board, the offices of the Lt. Governor, Speaker, Senate Finance Committee, and House Appropriations Committee. The report shall:

(1) identify a timeline for completion for each facility, what activities or operations have been completed, and what activities or operations are not yet complete; and

(2) provide detailed reporting on all expended appropriations as well as projected expenses based on the timeline.

38. Special Education Reporting.

From funds appropriated above, the Texas Juvenile Justice Department (TJJD) shall develop and maintain a system for tracking special education and dyslexia services as required under the Individuals with Disabilities Act (IDEA), 20 U.S.C. § 1400 (2004), Part B, to ensure that all students committed to TJJD receive a free and appropriate public education. To meet this goal, TJJD shall submit a report including data and information on special education and dyslexia programming to the Legislative Budget Board by August 31, 2026. The report shall include the following information:

(1) Student demographic and special program information;
(2) documents provided by previous school district or campus;
(3) description of "child find" system used at intake to evaluate youth entering TJJD;
(4) type of assessments performed and frequency of assessments;
(5) number of students eligible for reevaluation per fiscal year (as prescribed by IDEA, reevaluations should be completed no less than triennially);
(6) detailed description of modification to preexisting Individualized Education Plans (IEPs), 504 Plans, or Behavioral Intervention Plans (BIPs);
(7) development and implementation plan for behavioral intervention services at each facility;
(8) curriculum plans and varying educational interventions for various disabilities;
(9) data on classroom removals, minutes in and out of general instructional setting;

(10) professional development plan and programming for staff for writing and developing IEPs, BIPs, 504s, including transition plan writing;
(11) data and documentation on parent/guardian communication (or attempted communication) regarding the Admission, Determination, and Review (ARD) process;
(12) data and documentation on number of minutes provided to youth for each educational setting (resource room, counseling, general education, interventions). If any data or information is not available or is in development, the agency shall include the development and implementation plan for future reporting.

39. Use of Foundation School Program Allotments.

Included in the amounts appropriated above in Strategy B.1.4, Education, is an estimated amount of $7,165,579 for fiscal year 2026 and an estimated amount of $7,165,579 in fiscal year 2027 from Other Funds for the purpose of entering into interagency contracts to fund educational programming in TJJD state facilities. TJJD shall create and submit an implementation plan for the use and distribution of allotments in accordance with the Education Code, Sections 48.051, 48.102, 48.103, 48.104, 48.105, and 48.106 and the Texas Education Agency Rider 27, FSP Funding for the Texas Juvenile Justice Department.
The implementation plan shall be submitted to the Legislative Budget Board no later than October 1, 2025, and include details on the agency's plan for expending funds provided pursuant to this rider. Information should include, at a minimum, the following information for each specific allotment provided:
(1) position titles, salary schedule group, salary, and any relevant certification of Full-Time Equivalents funded pursuant to this rider;
(2) program costs delineated by instructional materials, including online and hard copy materials;
(3) additional program costs; and
(4) measures of program effectiveness, including student achievement and teacher growth.

40. Appropriation for Salary Increase for Direct Care Staff.

Included in the amounts appropriated above in Strategy B.1.3, Facility Supervision and Food Service, is $8,336,953 in fiscal year 2026 and $8,336,953 in fiscal year 2027, and Strategy B.1.7, Integrated Behavior Management, is $1,320,004 in fiscal year 2026 and $1,320,004 in fiscal year 2027 in General Revenue Funds to provide a salary increase for direct care staff, including Juvenile Correctional Officers.

41. Career and Technical Education.

Included in amounts appropriated above in Strategy B.1.4, Education, is $500,000 from the General Revenue Fund for fiscal year 2026 for the Texas Juvenile Justice Department (TJJD) to prioritize the expansion of Career and Technical Education (CTE) courses. Such an expansion may include partnerships with community colleges and Texas State Technical College. TJJD is to develop and maintain a system for tracking CTE courses and programs at all state secure facilities and shall submit a report that includes data and information on CTE programs and faculty to the Legislative Budget Board by September 1, 2026.
The report shall include information on courses offered at each facility, the number of certified teachers at each facility, students enrolled in courses, students completing courses, certifications earned by students, and details on the expenditure of appropriations on CTE courses and programs.

42. Juvenile Correctional Officer Uniforms.

Included in the amounts appropriated above, in Strategy B.1.2, Facility Operations and Overhead, is $500,000 from the General Revenue Fund intended by the legislature for the purchase of new uniforms for Juvenile Correctional Officers (JCOs). TJJD shall enter into an Interagency Contract with the Texas Department of Criminal Justice (TDCJ) for the manufacture and purchasing of JCO uniforms. The purchase of new uniforms will be contingent upon Legislative Budget Board (LBB) approval. It is the intent of the legis-

lature that these uniforms are to be of a style to distinguish JCOs from other facility staff members.

43. Dyslexia Services at State Secure Facilities.

Out of amounts appropriated above, the Texas Juvenile Justice Department (TJJD) shall produce an annual report regarding department processes and data related to the identification of and service delivery to youth with dyslexia needs in state secure juvenile correctional facilities. The department shall submit the report to the Legislative Budget Board by December 1 of each year. The report shall include the following information for the previous fiscal year:

(a) Youth demographic and admission profile data for youth identified with dyslexia compared to other youth committed to state secure juvenile correctional facilities;

(b) A description of dyslexia screening and intervention protocols used at intake within state secure juvenile correctional facilities, including:

(1) The use of a standardized dyslexia screening tool aligned with the Texas Education Agency (TEA) Dyslexia Handbook;

(2) The use of prior school records, including individualized education plans, 504 plans, and other relevant information that reference or address dyslexia-related needs, to assess these needs;

(3) Following the screening protocols, the implementation of a tiered intervention framework and use of assistive technology to serve youth with dyslexia; and

(4) As a youth prepares for and is released under supervision or discharged from custody, the use of referrals to enable continued support and intervention for the youth, as appropriate.

(c) The number and percentage of youth screened for dyslexia upon entry into state secure juvenile correctional facilities;

(d) The type and frequency of dyslexia assessments conducted for youth in state secure juvenile correctional facilities;

(e) The number of youth receiving dyslexia-related interventions and the number of instructional minutes provided to these students;

(f) A description of training programs provided to relevant staff to improve dyslexia screening, assessment, and interventions;

(g) Any appropriate data demonstrating educational outcomes for youth with dyslexia upon their release from a state secure juvenile correctional facility; and

(h) A description of:

(1) Any gaps and areas of improvement related to aligning department procedures on dyslexia screening, assessment, and interventions with best practices;

(2) Recommendations for enhancing dyslexia-related training, staffing levels, facility procedures, and partnerships with other state agencies or external entities designed to improve the identification of and interventions for youth with dyslexia;

(3) Recommendations for conducting a detailed study or evaluation of dyslexia screening, assessment, and interventions within state secure juvenile correctional facilities; and

(4) Potential costs and funding sources related to addressing the gaps, areas of improvement, and recommendations identified in Subsections (A), (B), and (C). If any data or information is not available or is in development, the department shall include the development and implementation plan for future reporting.

44. Williamson County Multisystemic Therapy Team.

Included in the amounts appropriated above in Strategy A.1.3, Community Programs is $600,000 in fiscal year 2026 and $600,000 in fiscal year 2027 from the General Revenue Fund intended by the legislature to be used to establish a Multisystemic Therapy (MST) team in Williamson County to treat youth and adolescents in the juvenile justice system and to prevent youth and adolescents from entering the juvenile justice and child welfare systems. Not later than November 30, 2026, TJJD shall submit a performance report to the Legislative Budget Board that includes performance measures to assess the success of the program.

45. Long-Term Facilities Plan.

(a) The department shall prepare a 10-year plan that identifies the department's facility and capacity needs.

(b) In developing the plan under Subsection (a), the department:

(1) must consider the various regional needs of the state, including local capacity to keep youth closer to home, the risk and needs of youth referred to the juvenile justice system, statewide impacts of the waitlist for state secure juvenile correctional facilities, and contract options available to serve youth; and

(2) may contract with a third party as needed.

(c) Not later than September 1, 2026, and every fourth anniversary of that date, the department shall submit:

(1) the plan to the board for approval; and

(2) the approved plan to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and each standing Legislative Committee with jurisdiction over appropriations or the department.

Juvenile Justice

Topic: Outcry Statements

Family Code Sec. 54.031. Hearsay Statement of Certain Abuse Victims.

(a) This section applies to a hearing under this title in which a child is alleged to be a delinquent child on the basis of a violation of any of the following provisions of the Penal Code, if a child 18 [~~12~~] years of age or younger or a person with a disability is the alleged victim of the violation:

(1) Chapter 21 (Sexual Offenses) or 22 (Assaultive Offenses);

(2) Section 25.02 (Prohibited Sexual Conduct);

(3) Section 43.25 (Sexual Performance by a Child);

(4) Section 20A.02(a)(7) or (8) (Trafficking of Persons); or

(5) Section 43.05(a)(2) (Compelling Prostitution).

(b) This section applies only to statements that describe the alleged violation that:

(1) were made by the child or person with a disability who is the alleged victim of the violation; and

(2) were made to the first person, 18 years of age or older, to whom the child or person with a disability made a statement about the violation.

(c) A statement that meets the requirements of Subsection (b) is not inadmissible because of the hearsay rule if:

(1) on or before the 14th day before the date the hearing begins, the party intending to offer the statement:

(A) notifies each other party of its intention to do so;

(B) provides each other party with the name of the witness through whom it intends to offer the statement; and

(C) provides each other party with a written summary of the statement;

(2) the juvenile court finds, in a hearing conducted outside the presence of the jury, that the statement is reliable based on the time, content, and circumstances of the statement; and

(3) the child or person with a disability who is the alleged victim testifies or is available to testify at the hearing in court or in any other manner provided by law.

(d) In this section, "person with a disability" has the same meaning as "disabled individual" as defined by Section 22.04, Penal Code [~~means a person 13 years of age or older who because of age or physical or mental disease, disability, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self~~].

Commentary by: Kaci Sohrt
Source: SB 1019
Effective Date: September 1, 2025
Applicability: Applies to a case in juvenile court that commences on or after the effective date. A case that commences before the effective date is governed by the law in effect on the date the case commenced, and the former law is continued in effect for that purpose.

Summary of Changes

The law allows for the admissibility of hearsay statements made by children or persons with a disability in certain instances. This applies is when the child or person with a disability is the alleged victim of the following Penal Code offenses: Chapter 21 (sexual offenses), Chapter 22 (assaultive offenses), Section 25.02 (prohibited sexual conduct), Section 43.25 (sexual performance by a child), Section 20A.02 (a)(7) or (8) (trafficking of persons), or Section 43.05(a)(2) (compelling prostitution), Penal Code. The statute provides that the first statement by a child or person with a disability about the alleged violation made to a person who is 18 years of age or older is not inadmissible under the hearsay rule, as long as certain notifications are made.

Under current law, this applies to a child who is 12 years of age or younger (so under 13). This change specifies that a child for this purpose is a

person who is 18 years of age or younger (so under 19).

Current law also specifies that a person with a disability is a person who is 13 years of age or older who, because of age or physical or mental disease, disability, or injury, is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.

This change removes the definition in this statute and instead defines person with a disability by reference to the definition of "disabled individual" in Section 22.04, Penal Code. That definition has no age mentioned but does include the language about being unable to protect oneself or provide food, shelter, or medical care for oneself. It also includes that a person with a disability is one with one or more of the following, as defined by various statutes: autism spectrum disorder, developmental disability, intellectual disability, severe emotional disturbance, traumatic brain injury, or mental illness.

It bears noting that the analysis of this legislation states that the purpose was to remove a discrepancy between the Family Code procedure and the adult procedure. However, discrepancies remain. Article 38.072, Code of Criminal Procedure, defines a child to be a person who is "younger than 18 years of age," whereas as this bill modifies Section 54.031 to define a child as a person who is "18 years of age or younger," which means it includes 18-year-old victims while the Code of Criminal Procedure does not. Additionally, the Code of Criminal Procedure includes offenses that are not included in Section 54.031, namely Section 43.05 (a)(3) from the offense of compelling prostitution, Section 20A.02(a)(5) and (6) from the offense of trafficking of persons, Section 20A.03 (continuous trafficking of persons), if based on 20A.02 (a)(5) – (8); and criminal attempt of any of the offenses to which Art. 38.072 applies.

Topic: Fees

Family Code Sec. 54.074. Alcohol Or Drug Related Offense.

[~~(f) If the court orders a child under Subsection (a) or (b) to successfully complete a substance misuse education program or alcohol awareness program, unless the court determines that the parent or guardian of the child is indigent and unable to pay the cost, the court shall require the child's parent or a guardian of the child to pay the cost of the program. The court shall allow the child's parent or guardian to pay the cost of the program in installments.~~]

Commentary by: Kaci Sohrt
Source: HB 1620 (only portions of the bill are included)
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

This is the third session in a row that this provision has been repealed. It has been repealed in one bill and modified in another, thereby keeping it in place. The purpose of the repeal is to ensure that fees are not charged for the substance misuse education programs ordered by juvenile courts.

Topic: Biological Sex

SECTION 1. FINDINGS.

The legislature finds that:

(1) males and females possess unique immutable biological differences that manifest prior to birth and increase as individuals age and experience puberty;

(2) biological differences between the sexes mean that only females are able to get pregnant, give birth, and breastfeed children;

(3) biological differences between the sexes mean that males are, on average, bigger, stronger, and faster than females;

(4) biological differences between the sexes leave females more physically vulnerable than males to specific forms of violence, including sexual violence;

(5) females have historically suffered discrimination in education, athletics, and employment;

(6) biological differences between the sexes are enduring and may, in some circumstances, warrant the creation of separate social, educational, athletic, or other spaces in order to ensure individuals' safety and allow members of each sex to succeed and thrive;

(7) inconsistencies in court rulings and policy initiatives with regard to the definitions of "sex," "male," "female," "man," and "woman" have led to endangerment of single-sex spaces and resources, necessitating clarification of certain terms;

(8) in the context of biological sex:

(A) "equal" does not mean "same" or "identical;" and

(B) separate is not inherently unequal;

(9) there are legitimate reasons to distinguish between the sexes with respect to athletics, prisons and other correctional facilities, domestic violence shelters, rape crisis centers, locker rooms, restrooms, and other areas where biology, safety, or privacy are implicated;

(10) policies and laws that distinguish between the sexes are subject to intermediate constitutional scrutiny, which forbids unfair discrimination against similarly situated males and females but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives; and

(11) each individual is one of two sexes, male or female, and individuals diagnosed with a disorder of sex development or as intersex:

(A) are not considered to belong to a third sex; and

(B) must receive accommodations in accordance with state and federal law.

Government Code Sec. 311.005. GENERAL DEFINITIONS.

(1) "Boy" means a child of the male sex.

(2) "Father" means a parent of the male sex.

(3) "Female" and "woman" mean an individual whose biological reproductive system is developed to produce ova.

(4) "Girl" means a child of the female sex.

(5) "Male" and "man" mean an individual whose biological reproductive system is developed to fertilize the ova of a female.

(6) "Mother" means a parent of the female sex.

(7) "Sex" means an individual's biological sex, either male or female.

GOVERNMENT CODE CHAPTER 2051. SUBCHAPTER G. VITAL STATISTICS INFORMATION COLLECTION.

Government Code Sec. 2051.251. DEFINITION.

In this subchapter, "governmental entity" has the meaning assigned by Section 2051.041.

Government Code Sec. 2051.252. VITAL STATISTICS INFORMATION COLLECTION BY GOVERNMENTAL ENTITY.

A governmental entity that collects vital statistics information that identifies the sex of an individual for the purpose of complying with antidiscrimination laws or for the purpose of gathering public health, crime, economic, or other data shall identify each individual as either male or female.

Commentary by: Kaci Sohrt
Source: HB 229
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

This new statute defines the terms boy, girl, father, mother, female, woman, male, man, and sex. It requires any governmental entity that collects vital statistics information for the purpose of complying with antidiscrimination laws or for the purpose of gathering public health, crime, economic, or other data to identify the individual as male or female. Governmental entity is defined as "an institution, board, commission, or department of the state or a subdivision of the state or a political subdivision of the state, including a municipality, county, or any kind of district."

Topic: Moore County Juvenile Board

Human Resources Code Sec. 152.1771. MOORE COUNTY.

(a) The Moore County Juvenile Board is composed of:

(1) the county judge;

(2) the judge of the County Court of Law of Moore County; and

(3) not fewer than three or more than five other members [~~(2) six persons~~] appointed by the Moore County Commissioners Court.

(b) The appointed members serve [~~staggered~~] two-year terms [~~with the terms of three members~~] expiring on December 31 of each even-numbered year unless the Moore County Commissioners Court votes to extend a member's term for not more than two years[~~, and the terms of three members expiring on December 31 of each odd-numbered year~~].

(c) The board shall select one of its members as chairman.

(d) The members serve without compensation.

(f) Sections 152.0002, 152.0003, 152.0004, 152.0005, and 152.0006 [~~, 152.0007, and 152.0008~~] do not apply to the juvenile board of Moore County.

Commentary by: Kaci Sohrt
Source: HB 3513
Effective Date: September 1, 2025
Applicability: On or after effective date

Summary of Changes

The Moore County juvenile board is now composed of three to five members, as opposed to six. Members are appointed by the Commissioners Court. The terms are no longer staggered. The Commissioner Court is authorized to extend a member's term for not more than two years. The statute also removes the provision that indicated Section 152.0007 and 152.0008 do not apply to the Moore County juvenile board. Section 152.0007 establishes the duties of a juvenile board, to include employing a chief probation officer and adopting a budget. Section 152.0008 allows the chief juvenile probation officer to employ probation officers and necessary personnel.

Topic: Parker County Juvenile Board

Human Resources Code Sec. 152.1901. PARKER COUNTY.

(a) The juvenile board of Parker County is composed of the county judge, the statutory county court judges, and the district judges in Parker County.

(b) The juvenile board shall elect one of its members as [~~judge of the 43rd Judicial District is the~~] chairman [~~of the board~~].

(c) The commissioners court shall pay the juvenile board members an annual salary of not less than $6,000, payable in equal monthly installments from the general fund or any other available fund of the county.

(d) The juvenile board shall appoint not more than four volunteers to serve on a citizen's advisory council. The advisory council shall meet with the juvenile board at the board's regular quarterly meetings and shall keep the board informed of current community issues relating to juveniles.

Commentary by: Kaci Sohrt
Source: HB 5667
Effective Date: September 1, 2025
Applicability: On or after effective date

Summary of Changes

The Parker County juvenile board is now required to elect one of its members as chair of the board rather than have the judge of the 43rd Judicial District always be the chair.

Topic: TJJD Certification

Human Resources Code Sec. 222.054. Certification or Provisional Certification Ineligibility.

(a) In this section, "certification" includes a provisional certification.

(a-1) This section applies to an individual who does not hold a certification under this chapter and who is or was employed by, under contract with, or volunteering for:

(1) the department;

(2) a juvenile probation department; or

(3) a juvenile facility registered with the department.

(b) Subject to Subsection (d), the [~~The~~] department may designate as permanently ineligible for certification under this chapter an individual to whom this section applies if:

(1) while employed by, under contract with, or volunteering for an entity described by Subsection (a-1), the individual engaged [~~who has been terminated from employment with the department for engaging~~] in conduct that:

(A) violates this chapter or a department rule; or

(B) demonstrates the individual is not suitable for certification under this chapter; or

(2) a panel under Subsection (c) determines the individual's certification would threaten juveniles in the juvenile justice system.

(c) The executive director may convene, in person or telephonically, a panel of three board members to determine if the [~~a former department employee's~~] continued eligibility of an individual to whom this section applies to obtain a certification under this chapter threatens juveniles in the juvenile justice system. If the panel determines an individual's eligibility for certification threatens juveniles in the juvenile justice system, the department shall temporarily designate the individual as ineligible for certification until an administrative hearing is held under Subsection (d). The hearing must be held as soon as possible following the temporary designation. The executive director may convene a panel under this subsection only if the danger posed by the person's continued eligibility for certification is imminent. The panel may hold a telephonic meeting only if immediate action is required and convening the panel at one location is inconvenient for any member of the panel.

(d) A person is entitled to a hearing before the State Office of Administrative Hearings if the department proposes to designate a person as permanently ineligible for certification as provided by Subsection (b).

(e) A person may appeal a ruling or order issued under this section to a district court in the county in which the person resides or in Travis County. The standard of review is under the substantial evidence rule.

Commentary by: Kaci Sohrt
Source: SB 1437
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

TJJD has authority to both issue discipline against a certified officer and to determine that people who are not certified should be ineligible for certification. This statute provides clarity that TJJD may determine that any person who does not hold a certification but is employed by, under contract with, or volunteering for TJJD, a juvenile probation department, or a juvenile facility registered with TJJD may be declared ineligible for certification if the person violates a department rule or engages in conduct that demonstrates the individual is not suitable for certification. The person's employment does not have to be terminated for the conduct and the person does not have to be in a position requiring certification.

The same process that is used for temporary suspension of a certification is followed to make a person temporarily ineligible for certification pending due process. Additionally, the same process is used to make someone ineligible as is used to issue discipline on a certification, which includes the opportunity for a hearing at the State Office of Administrative Hearings.

Occupations Code Sec. 55.004. ALTERNATIVE LICENSING FOR MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES.

(a) A state agency that issues a license shall issue [~~adopt rules for the issuance of~~] the license to an applicant who is a military service member, military veteran, or military spouse and:

(1) holds a current license issued by another state [~~jurisdiction~~] that is similar in scope of practice [~~has licensing requirements that are substantially equivalent~~] to the [~~requirements for the~~] license in this state and is in good standing with that state's licensing authority; or

(2) within the five years preceding the application date held the license in this state.

(b) The executive director of a state agency may waive any prerequisite to obtaining a license for an applicant described by Subsection (a) after reviewing the applicant's credentials.

(c) In addition to the rules adopted under Subsection (a), a state agency that issues a license may adopt rules that would establish alternate methods for a military service member, military veteran, or military spouse to demonstrate competency to meet the requirements for obtaining the license, including receiving appropriate credit for training, education, and clinical and professional experience.

(d) A state agency that issues a license that has a residency requirement for license eligibility may not [~~shall~~] adopt rules requiring [~~regarding~~] documentation [~~necessary~~] for an applicant who is a military service member, military veteran, or military spouse to establish residency for purposes of this section [~~subsection, including by providing to the agency a copy of the permanent change of station order for the applicant or the applicant's spouse~~].

Occupations Code Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SERVICE MEMBERS AND MILITARY SPOUSES.

(a) Notwithstanding any other law, a military service member or military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the member or spouse [~~is~~] currently holds a license similar in scope of practice issued by the licensing authority of another state and is [~~licensed~~] in good standing with [~~by another jurisdiction~~] that [~~has~~] licensing authority [~~requirements that are substantially equivalent to the requirements for the license in this state~~].

(b) Before engaging in the practice of the business or occupation under Subsection (a), the military service member or military spouse must submit an application to the applicable state agency in the form the agency prescribes that includes:

(1) a copy [~~notify the applicable state agency~~] of the member's military orders showing relocation to [~~or spouse's intent to practice in~~] this state;

(2) if the applicant is a military spouse, a copy of the military spouse's marriage license [submit to the agency proof of the member's or spouse's residency in this state in accordance with rules adopted under Section 55.004(d) and a copy of the member's or spouse's military identification card]; and

(3) a notarized affidavit affirming under penalty of perjury [~~receive from the agency confirmation~~] that:

(A) the applicant is the person described and identified in the application [~~the agency has verified the member's or spouse's license in the other jurisdiction~~]; [~~and~~]

(B) all statements in the application are true, correct, and complete;

(C) the applicant understands the scope of practice for the applicable license in this state and will not perform outside of that scope of practice; and

(D) the applicant is in good standing in each state in which the applicant holds or has held an applicable license [~~the member or spouse is authorized to engage in the business or occupation in accordance with this section~~].

(b-1) Not later than the 10th business day after the date the agency receives an application under Subsection (b), the agency shall notify the applicant that:

(1) the agency recognizes the applicant's out-of-state license;

(2) the application is incomplete; or

(3) the agency is unable to recognize the applicant's out-of-state license because the agency does not issue a license similar in scope of practice to the applicant's license.

(c) The military service member or military spouse shall comply with all other laws and regulations applicable to the business or occupation in this state.

(d) A military service member or military spouse may engage in the business or occupation under the authority of this section only for the period during which the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in this state [~~but not to exceed three years from the date the member or spouse receives the confirmation described by Subsection (b)(3)~~].

(d-1) In [~~Notwithstanding Subsection (d), in~~] the event of a divorce or similar event that affects a person's status as a military spouse, the former

spouse may continue to engage in the business or occupation under the authority of this section until the third anniversary of the date the spouse submitted the application required [~~received the confirmation described~~] by Subsection (b) [~~(b)(3)~~].

(e) A state agency that issues a license shall adopt rules to implement this section. The rules must establish a process for the agency to[~~:(1)~~] identify, with respect to each type of license issued by the agency, the states [~~jurisdictions~~] that issue licenses similar in scope of practice to those issued by the agency [~~have licensing requirements that are substantially equivalent to the requirements for the license in this state; and [(2) not later than the 30th day after the date a military service member or military spouse submits the information described by Subsections (b)(1) and (2), verify that the member or spouse is licensed in good standing in a jurisdiction described by Subdivision (1)~~].

[~~(f) In addition to the rules adopted under Subsection (e), a state agency that issues a license may adopt rules to provide for the issuance of a license to a military service member or military spouse to whom the agency provides confirmation under Subsection (b)(3). A license issued under this subsection must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license.~~]

Occupations Code Sec. 55.0042. DETERMINATION OF GOOD STANDING.

For purposes of this chapter, a person is in good standing with another state's licensing authority if the person:

(1) holds a license that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;

(2) has not been disciplined by the licensing authority with respect to the license or person's practice of the occupation for which the license is issued; and

(3) is not currently under investigation by the licensing authority for unprofessional conduct related to the person's license or profession.

Occupations Code Sec. 55.0043. COMPLAINTS.

(a) A state agency that issues a license or recognizes an out-of-state license under this chapter shall maintain a record of each complaint made against a military service member, military veteran, or military spouse to whom the agency issues a license or who holds an out-of-state license the agency recognizes.

(b) A state agency shall publish at least quarterly on the agency's Internet website the information maintained under Subsection (a), including a general description of the disposition of each complaint.

Occupations Code Sec. 55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES.

(a) A state agency that issues a license shall, not later than the 10th business [~~30th~~] day after the date a military service member, military veteran, or military spouse files an application for a license:

(1) process the application; and

(2) issue the license to an applicant who qualifies for the license under Section 55.004.

(b) A license issued under this section may not be a provisional license and must confer the same rights, privileges, and responsibilities as a license not issued under this section.

Occupations Code Sec. 55.009. LICENSE APPLICATION AND EXAMINATION FEES.

Notwithstanding any other law, a state agency that issues a license shall waive the license application and examination fees paid to the state for an applicant who is[~~:(1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or (2)~~] a military service member, military veteran, or military spouse [~~who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state~~].

Commentary by: Kaci Sohrt

Source: HB 5629

Effective Date: September 1, 2025. As soon as practicable after the effective date of this Act, a state agency, as defined by Section 55.001, Occupations Code, shall adopt, modify, or repeal the rules necessary to implement the changes in law made by this Act.

Applicability: The changes in law made by this Act apply only to an application for a license filed with a state agency, as defined by Section 55.001, Occupations Code, on or after the effective date of this Act. An application for a license filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Summary of Changes

Statute gives special provisions in licensing to military service members, veterans, and military spouses. Military service member means a person who is on active duty. Military spouse means a person married to a military service member. Military veteran means a person who has served on active duty and was discharged or released from active duty. See Section 55.001, Occupations Code.

Currently, Section 55.04, Occupations Code, requires a state agency that issues licenses, such as TJJD, to adopt rules for issuing a license to a military service member, military veteran, or military spouse who holds a license by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for a license in this state. This is modified to remove the rulemaking requirement and to simply require the agency to issue the license. It also modifies the language requiring licensing requirements substantially equivalent to Texas' requirements to now say that this applies if the person holds a current license issued by another state (not jurisdiction) if the license is "similar in scope of practice" to Texas' license. It also requires that the person be in good standing with the licensing authority if the license is current. Unchanged is the requirement to give the license if the covered person held the license from Texas in the five years preceding the application.

The statute is further changed to prohibit the agency from requiring documentation for an applicant who is a military service member, military veteran, or military spouse to prove residency when the state license has a residency requirement. However, Section 55.0041 is modified to require the applicant to provide a copy of military orders showing relocation as well as a marriage license, if applicable, before engaging in the practice of the licensed occupation. Additionally, the person must submit a notarized affidavit affirming the application information is true, correct, and complete; the applicant understands the scope of practice and will not perform outside of it; and the applicant is in good standing in each state in which the applicant holds or held a license. The agency has 10 days, rather than 30, to issue the license or inform the person it is incomplete or that the agency is unable to recognize the out-of-state license because it is not similar in scope of practice to the Texas' license.

Current law allows the military service member or military spouse to engage in the occupation only while stationed in Texas, but in no event more than three years. The three-year deadline has been removed except, if there is a divorce, the military spouse may only practice for three years from the date of original application.

State agencies that issue licenses must adopt rules to administer Section 55.0041. The rules must establish a process for the agency to identify the states that issue licenses similar in scope of practice to those issued by the agency. A person is considered in good standing if the person: holds a license that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct; has not been disciplined by the licensing authority; and is not currently under investigation for unprofessional conduct. A state agency that issues a license or recognizes an out of state license under Chapter 55 must maintain a record of each complaint made against the person. The agency shall publish at least quarterly on its website the information maintained about the complaints, including a general description of the disposition of each complaint.

Topic: Background Checks

Health And Safety Code Chapter 811. Employment Requirements for Certain Facilities to Prevent Physical or Sexual Abuse of Children.

Health and Safety Code Sec. 811.001. DEFINITIONS.

In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Department" means the Texas Juvenile Justice Department.

(3) "Facility" means:

(A) a residential treatment facility or group home licensed or otherwise regulated by the commission;

(B) a juvenile detention facility regulated by the department; or

(C) a shelter operated by or under the authority of a county or municipality that provides temporary living accommodations for individuals who are homeless.

Health and Safety Code Sec. 811.002. APPLICABILITY.

This chapter applies only to the following governmental entities:

(1) the commission;

(2) the department;

(3) a county; and

(4) a municipality.

Health and Safety Code Sec. 811.003. REQUIRED CRIMINAL HISTORY RECORD INFORMATION REVIEW AND EMPLOYMENT VERIFICATION.

(a) A governmental entity to which this chapter applies shall ensure each facility the entity regulates or operates reviews state criminal history record information and conducts an employment verification for each person:

(1) who is:

(A) an applicant selected for employment with the facility;

(B) an employee of the facility;

(C) an applicant selected for a volunteer position with the facility;

(D) a volunteer with the facility;

(E) an applicant selected for an independent contractor position with the facility; or

(F) an independent contractor of the facility; and

(2) who may be placed in direct contact with a child receiving services at the facility.

(b) For purposes of Subsection (a)(2), a person may be placed in direct contact with a child if the person's position potentially requires the person to:

(1) provide care, supervision, or guidance to a child;

(2) exercise any form of control over a child; or

(3) routinely interact with a child.

(c) In conducting an employment verification under Subsection (a), the facility must, to the extent possible, contact the previous employers listed in the submitted application materials for each applicant.

(d) Each facility shall obtain electronic updates from the Department of Public Safety of arrests and convictions for each person:

(1) described by Subsection (a)(1)(B), (D), or (F); and

(2) who continues as an employee, volunteer, or independent contractor or who otherwise continues to be placed in direct contact with a child at the facility.

(e) A facility that submits a name for a background and criminal history check in accordance with Section 42.056, Human Resources Code, and rules adopted under that section for each person described by Subsection (a) is considered to be in compliance with the requirements of this section.

(f) The executive commissioner of the commission may adopt rules as necessary to implement this section, including rules on existing employment verification procedures for residential treatment facilities that satisfy the requirements of this section.

Health and Safety Code Sec. 811.004. EFFECT OF CERTAIN CRIMINAL CONVICTIONS.

(a) A facility may not offer a person an employment, volunteer, or independent contractor position and must terminate the person's position if, based on a criminal history record information review, an employment verification, or a background and criminal history check conducted in accordance with Section 42.056, Human Resources Code, of that person, the facility discovers the person engaged in physical or sexual abuse of a child constituting an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

(b) A separation agreement for a facility employee, volunteer, or independent contractor may not include a provision that prohibits disclosure to a prospective employer of conduct constituting an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

Health and Safety Code Sec. 811.005. TRAINING REQUIREMENTS.

A facility must provide training to each employee, volunteer, or independent contractor who may be placed in direct contact with a child. The training must include:

(1) recognition of the signs of physical and sexual abuse and reporting requirements for suspected physical and sexual abuse;

(2) the facility's policies related to reporting of physical and sexual abuse; and

(3) methods for maintaining professional and appropriate relationships with children.

Commentary by: Kaci Sohrt
Source: HB 3153
Effective Date: September 1, 2025
Applicability: Section 811.004(b) applies only to an agreement entered into on or after the effective date.

Summary of Changes

This new law applies to HHSC and residential treatment centers or group homes licensed or regulated by HHSC and to TJJD and juvenile detention facilities regulated by TJJD. It also applies to shelters operated by counties or municipalities to provide temporary shelter to people experiencing homelessness. Juvenile detention facility is not defined, but it is likely that the term means pre- and post- adjudication correctional facilities and non-secure facilities regulated by TJJD.

Each governmental entity to which this applies is required to ensure that each facility the entity regulates or operates reviews state criminal history record information and conducts employment verification for each person who is an applicant selected for employment with the facility, is an employee of the facility; is an applicant selected for a volunteer position with the facility, is a volunteer with the facility, is an applicant selected for an independent contractor position with the facility, or is an independent contractor for the facility and who may be placed in direct contact with a child receiving services at the facility. A person might be placed in direct contact with a child if the person's position potentially requires the person to provide care, supervision, or guidance to a child; exercise any form of control over a child; or routinely interact with a child.

To conduct employment verification, the facility must, to the extent possible, contact the previous employers listed in the application. Each facility is required to obtain electronic updates from DPS or arrests and convictions. A facility is prohibited from offering a person an employment, volunteer, or contractor position and is required to terminate a person's position if they discover the person engaged in physical or sexual abuse of a child constituting an offense under Section 21.02 (continuous sexual abuse of young child or person with disability), 22.011 (sexual assault), 22.021 (aggravated sexual assault), or 25.02 (prohibited sexual conduct – related to familial relationships), Penal Code. Additionally, any separation agreement may not include a provision that prohibits disclosure of the conduct to a prospective employer.

Facilities must provide training to each employee, volunteer, or contractor that may be placed in direct contact with a child. The training must include recognition of the signs of physical and sexual abuse and reporting requirements for suspected physical and sexual abuse, the facility's policies related to reporting abuse, and methods for maintaining professional and appropriate relationships with children.

Juvenile facilities already comply with the criminal background check portion of this statute, as does TJJD. There is partial compliance with the employment verification, as part of checking all prior employment that involves vulnerable populations. This will expand that to all prior employment.

Topic: State Agency Security for Personal Identifying Information

Government Code CHAPTER 2062. RESTRICTIONS ON STATE AGENCY USE AND DISSEMINATION OF CERTAIN PERSONAL [~~INDIVIDUAL-IDENTIFYING~~] INFORMATION.

Government Code Sec. 2062.001, Government Code. DEFINITIONS.

(2) "Personal identifying information" includes a person's home address, home telephone number, personal cell phone number, personal e-mail address, driver's license number, emergency contact information, and information that reveals whether a person has family members.

(3) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government, including a university system or institution of higher education as defined by Section 61.003, Education Code, that is created by the constitution or a statute of this state.

Government Code Sec. 2062.003. CONSENT REQUIRED BEFORE DISSEMINATING CERTAIN PERSONAL IDENTIFYING INFORMATION; RECORDS.

(a) Except as provided by Subsection (b), a state agency may not, without written consent, disseminate to any person the personal identifying information of a person who submits information to the state agency for the purpose of obtaining an occupational license.

(b) A state agency may disseminate information described by Subsection (a) with respect to a person without the person's written consent if the dissemination is:

(1) required or permitted by a federal statute or by another law of this state; or

(2) made by or to a law enforcement agency for a law enforcement purpose.

(c) A state agency shall retain the written consent of a person obtained as required under this section in the state agency's records.

(d) For purposes of this section, the term "occupational license" does not include a license or permit that is administered by the comptroller under the Occupations Code.

Commentary by: Kaci Sohrt
Source: HB 5129
Effective Date: June 20, 2025
Applicability: Section 2062.003, Government Code, as added by this Act, applies only to information disseminated or retained by a state agency on or after the effective date.

Summary of Changes

This statute provides that a state agency generally may not disseminate the personal identifying information of a person who submits information to the agency for the purpose of obtaining an occupational license without that person's written consent. The state agency may disseminate the information without written consent if required or allowed by Texas or federal law or if the dissemination is by or to a law enforcement agency for a law enforcement purpose. The state agency is required to retain written consent that has been provided. Personal identifying information is defined to include home address, home and personal cell phone numbers, personal email address, driver's license number, emergency contact information, and information that reveals whether a person has family members.

Topic: TJJD Grievances

Human Resources Code Sec. 242.004. EMPLOYEES.

(a) Within the limits specified by legislative appropriation, the department may employ and compensate personnel necessary to carry out the department's duties.

(b) Except as otherwise provided by this subchapter, an employee of the department is employed on an at-will basis.

(c) The department shall establish procedures and practices governing:

(1) employment-related grievances submitted by department employees; and

(2) grievances challenging disciplinary termination of employment [~~disciplinary actions within the department, including a procedure allowing a department employee to elect to participate in an independent dismissal mediation if the employee is recommended for dismissal~~].

Commentary by: Kaci Sohrt
Source: HB 4263
Effective Date: September 1, 2025
Applicability: As soon as practicable after the effective date of this Act, the Texas Juvenile Justice Department shall establish the procedures and practices required by Section 242.004(c), Human Resources Code, as amended by this Act.

Summary of Changes

Prior to June 8, 2007, employees of the Texas Youth Commission (TYC) were only authorized to be terminated "for cause." TYC had an established grievance system that required the agency to prove the employee challenging termination had in fact engaged in conduct that warranted disciplinary termination of employment. In 2007, SB 103 changed that to make TYC employees all "at will" employees.

Although TYC already had a grievance system, the statute required TYC also to provide for independent dismissal mediation. Since 2007, TYC, and then TJJD effective December 1, 2011, has provided those terminated for disciplinary reasons with the opportunity to request either independent dismissal mediation or a termination grievance. This change in law removes the requirement to offer mediation while leaving intact TJJD's termination grievance process. Termination grievances allow persons to raise factual issues related to the grounds for termination as well as to raise potential legal issues related to the termination.

Topic: TJJD Sunset Review

BILL SECTION 2.03. TEXAS JUVENILE JUSTICE DEPARTMENT.

(a) Human Resources Code Sec. 202.010. SUNSET PROVISION.

The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2031 [~~2027~~].

(b) Notwithstanding Section 202.010, Human Resources Code, as amended by this Act, the Sunset Advisory Commission shall conduct a limited-scope review of the Texas Juvenile Justice Department for the 90th Legislature.

(c) In conducting the limited-scope review under this section, the Sunset Advisory Commission staff evaluation and report must be limited to assessing the Texas Juvenile Justice Department's administration of its regionalization duties aimed at prioritizing the use of local levels of the juvenile justice system over placement or commitment to secure facilities operated by the Texas Juvenile Justice Department.

(d) The Sunset Advisory Commission may not review the office of independent ombudsman of the Texas Juvenile Justice Department as part of the limited-scope review conducted under this section.

(e) The Sunset Advisory Commission's recommendations to the 90th Legislature may include any recommendation the commission considers appropriate based on the limited-scope review conducted under this section.

(f) The Texas Juvenile Justice Department shall submit a report not later than September 1, 2026, to the Sunset Advisory Commission, the speaker of the house of representatives, the lieutenant governor, and the standing committees of each house of the legislature with primary jurisdiction over juvenile justice that includes information about:

(1) the status of the United States Department of Justice's investigation into the Texas Juvenile Justice Department and the Texas Juve-

nile Justice Department's progress in addressing findings as detailed in the United States Department of Justice's report titled "Investigation of the Texas Juvenile Justice Department," published on August 1, 2024;

(2) the waitlist of youth committed to the Texas Juvenile Justice Department awaiting transfer to state secure facilities from county facilities;

(3) the Texas Juvenile Justice Department's staffing and turnover at state facilities for each fiscal year since fiscal year 2016; and

(4) the progress on construction of additional state juvenile correctional facilities for which the legislature appropriated funding in the 2024-2025 biennium.

Commentary by: Kaci Sohrt
Source: HB 1545 (only portions of the bill are included)
Effective Date: June 20, 2025
Applicability: On or after the effective date

Summary of Changes

TJJD was subject to Sunset review in 2027. This bill changes that to 2031 while creating a limited-scope review for 2027 focused on TJJD's administration of its regionalization duties that are aimed at prioritizing the use of local levels of the juvenile justice system over commitment to TJJD. Additionally, TJJD is required to submit a report by September 1, 2026, that includes information about the status of the DOJ investigation and TJJD's progress in addressing findings, the waitlist, TJJD's staffing turnover since 2016, and the progress on the building of the new facilities for which funding was provided.

Topic: TJJD Records

Human Resources Code Sec. 244.003. RECORDS OF EXAMINATION AND TREATMENT.

(a) The department shall keep written records of all examinations and conclusions based on them and of all orders concerning the disposition or treatment of each child subject to its control.

(b) Except as provided by Section 243.051(c), these records and all other information concerning a child, including personally identifiable information, are not public and are available only according to the provisions of Subsection (c) of this section, Section 58.005, Family Code, Section 244.051 of this code, and Chapter 67, Code of Criminal Procedure.

(c) The department may disclose information concerning a person who was committed to the department, including personally identifiable information, if:

(1) the person:

(A) has been discharged from commitment by the department;

(B) is at least 18 years of age; and

(C) has given consent for the department to disclose the information; and

(2) the department does not disclose any information for which the person did not consent to disclosure and does not disclose any information for a purpose other than the purpose for which the person consented to disclosure.

Commentary by: Kaci Sohrt
Source: SB 2776
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

This change in law is related to the "credible messenger program," which has formerly committed juveniles work with currently committed juveniles in an effort to encourage success. This change in law will allow TJJD to disclose information about a person who was committed to TJJD, including personally identifiable information, if the person has been discharged from TJJD, is at least 18 years of age, and has given consent to TJJD to disclose the information. TJJD may not disclose any information without the persons' consent and may not disclose information for any purpose other than the purpose for which the person consented.

Topic: TJJD Release Review Panel

Human Resources Code Sec. 245.101. COMPLETION OF MINIMUM LENGTH OF STAY; PANEL.

(a) After a child who is committed to the department without a determinate sentence completes

the minimum length of stay established by the department for the child under Section 243.002, the department shall, in the manner provided by this section and Section 245.102:

(1) discharge the child from the custody of the department;

(2) release the child under supervision under Section 245.051; or

(3) extend the length of the child's stay in the custody of the department.

(b) The board by rule shall establish a panel whose function is to review and determine whether a child who has completed the child's minimum length of stay should be discharged from the custody of the department as provided by Subsection (a)(1), be released under supervision under Section 245.051 as provided by Subsection (a)(2), or remain in the custody of the department for an additional period of time as provided by Subsection (a)(3).

(c) The executive director shall determine the size of the panel described by Subsection (b) and the length of the members' terms of service on the panel. The panel must consist of an odd number of members and the terms of the panel's members must last for at least two years. The executive director shall adopt policies that ensure the transparency, consistency, and objectivity of the panel's composition, procedures, and decisions. The executive director shall appoint persons to serve as members of the panel. A person appointed to the panel must be a department employee [~~who works at the department's central office~~]. A member of the panel may not be involved in any determination under this chapter [~~supervisory decisions~~] concerning a child [~~children~~] in the custody of the department for whom that panel member has made a supervisory decision.

Commentary by: Kaci Sohrt
Source: HB 4263
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

Effective June 8, 2007, via SB 103, the then-Texas Youth Commission was required to have a Release Review Panel to review youth without a determinate sentence who were not released due to meeting program completion criteria at the end of their minimum lengths of stay. The panel functions almost in reverse of a parole panel and must release or discharge youth unless the panel determines there is clear and convincing evidence that the youth is in need of further rehabilitation and TJJD is the most suitable place for that rehabilitation to occur. Only with such a finding may the youth's stay in TJJD be extended.

The members of the Panel were required to work in the Central Office and could not be involved in any supervisory decisions regarding any youth in TJJD custody. These changes remove the requirement that a Panel member be employed in Central Office and provide that the Panel member may not make decisions on release or extension of stay on any youth that the Panel member has previously made supervisory decisions about. This is designed to ensure that those making decisions on a particular youth are not those responsible for supervisory decisions on that youth while giving flexibility as to who may serve on the Panel.

Topic: Assessment Tools

Family Code Sec. 266.012. COMPREHENSIVE ASSESSMENTS.

(a) Not later than the 45th day after the date a child enters the conservatorship of the department, the child shall receive:

(1) a developmentally appropriate comprehensive assessment that includes[~~. The assessment must include~~]:

(A) [~~(1)~~] a screening for trauma; and

(B) [~~(2)~~] interviews with individuals who have knowledge of the child's needs; and

(2) a screening for risk of commercial sexual exploitation using a validated, evidenced-informed tool selected by the Child Sex Trafficking Prevention Unit established under Section 772.0062, Government Code, if:

(A) validation guidelines based on the child's age indicate the screening is appropriate; or

(B) concerns of commercial sexual exploitation exist.

Human Resources Code Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING INSTRUMENT AND RISK AND NEEDS ASSESSMENT INSTRUMENT; ADMISSIBILITY OF STATEMENTS.

(a) The board by rule shall require juvenile probation departments to use the mental health screening instrument selected by the department for the initial screening of children under the jurisdiction of probation departments who have been formally referred to a juvenile probation department. The department shall give priority to training in the use of this instrument in any preservice or in-service training that the department provides for probation officers. The rules adopted by the board under this section must allow a clinical assessment by a licensed mental health professional to be substituted for the mental health screening instrument selected by the department if the clinical assessment is performed in the time prescribed by the department.

(b) A juvenile probation department must, before the disposition of a child's case and using a validated risk and needs assessment instrument or process provided or approved by the department, complete a risk and needs assessment for each child under the jurisdiction of the juvenile probation department. The risk and needs assessment must include a screening for risk of commercial sexual exploitation using a validated, evidence-informed tool selected by the Child Sex Trafficking Prevention Unit established under Section 772.0062, Government Code.

(b-1) Any risk and needs assessment instrument or process that is provided or approved by the department for a juvenile probation department to use under Subsection (b) must be a validated instrument or process.

(c) Any statement made by a child and any mental health data obtained from the child during the administration of the mental health screening instrument or the initial risk and needs assessment instruments under this section is not admissible against the child at any adjudication hearing. The person administering the mental health screening instrument or initial risk and needs assessment instruments shall inform the child that any statement made by the child and any mental health data obtained from the child during the administration of the instrument is not admissible against the child at any adjudication hearing.

(d) A juvenile probation department shall report data from the use of the screening instrument or clinical assessment under Subsection (a) and the risk and needs assessment under Subsection (b) to the department in the format and at the time prescribed by the department.

(e) The board shall adopt rules to ensure that youth in the juvenile justice system are assessed using the screening instrument or clinical assessment under Subsection (a) and the risk and needs assessment under Subsection (b).

Commentary by: Kaci Sohrt
Source: HB 451
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

Juvenile probation departments are required to complete a validated risk and needs assessment before the disposition of each referral to the probation department. This change provides that the risk and needs assessment must include a screening for a risk of commercial sexual exploitation. The tool must be a validated, evidence-informed tool that is selected by the Child Sex Trafficking Prevention Unit in the Governor's Office. The current tool used by the vast majority of probation departments is the CSE-IT. Probation departments already report results of the risk and needs assessment to TJJD. That report will now need to include the results of the approved commercial sex exploitation tool as well.

This bill also requires DFPS to use the approved tool as part of their assessment for children if validation guidelines indicate the screening is appropriate based on the child's age or concerns of commercial sexual exploitation exist. DFPS is required to implement the tool only if funds are appropriate for such. If funds are not appropriated, DFPS is authorized but not required to implement the tool. TJJD and probation departments are required to implement the tool regardless of funding.

Topic: Abuse and Neglect

Family Code Sec. 261.001. DEFINITIONS

(1-a) "Abuse" does not include the refusal by a person responsible for a child's care, custody, or welfare to affirm:

(A) a child's perception of the child's gender, including a refusal to use a child's preferred name or pronouns, regardless of whether the child's name has been legally changed; or

(B) a child's expressed sexual orientation.

(4) "Neglect" means an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety and:

(A) includes:

(i) the leaving of a child in a situation where the child would be exposed to an immediate danger of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

(ii) the following acts or omissions by a person:

(a) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or an immediate danger of harm to the child;

(b) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(c) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

(d) placing a child in or failing to remove the child from a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child; or

(e) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child;

(iii) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; or

(iv) a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy; and

(B) does not include:

(i) the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:

(a) the child has a severe emotional disturbance;

(b) the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and

(c) the person has exhausted all reasonable means available to the person to obtain the mental health services described by Sub-subparagraph (b);

(ii) allowing the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture; [~~or~~]

(iii) a decision by a person responsible for a child's care, custody, or welfare to:

(a) obtain an opinion from more than one medical provider relating to the child's medical care;

(b) transfer the child's medical care to a new medical provider; or

(c) transfer the child to another health care facility; or

(iv) the refusal by a person responsible for a child's care, custody, or welfare to affirm:

(a) a child's perception of the child's gender, including a refusal to use a child's preferred name or pronouns, regardless of whether the child's name has been legally changed; or

(b) a child's expressed sexual orientation.

Commentary by: Chelsey Oden
Source: HB 1106
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill amends the definition of abuse and neglect under the Family Code by specifying that a responsible party's refusal to affirm a child's belief about their gender—including refusal to use the child's preferred name or pronouns, regardless of whether the name has been legally changed—or to affirm their expressed sexual orientation, does not constitute abuse or neglect.

Family Code Sec. 261.001. DEFINITIONS.

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, improper relationship between educator and student under Section 21.12, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under Section 43.021, Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health

and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(M) forcing or coercing a child to enter into a marriage.

(3-a) "Law enforcement agency" means:

(A) the Department of Public Safety;

(B) the police department of a municipality;

(C) the sheriff's office of a county; or

(D) a constable's office of a county.

Family Code Sec. 261.101. PERSONS REQUIRED TO REPORT; TIME TO REPORT.

(a) A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

(b) If a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has reasonable cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 24th [~~48th~~] hour after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

(b-1) In addition to the duty to make a report under Subsection (a) or (b), a person or professional shall make a report in the manner required by Subsection (a) or (b), as applicable, if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of:

(1) another child; or

(2) an elderly person or person with a disability as defined by Section 48.002, Human Resources Code.

(c) The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services.

(d) Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only:

(1) as provided by Section 261.201; [~~or~~]

(2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report; or

(3) to the Texas Education Agency or the State Board for Educator Certification, on request by the agency or board, for the purposes of:

(A) conducting an investigation of the report;

(B) conducting an investigation of an allegation that a person failed to submit a report as required under this chapter; or

(C) compliance monitoring or conducting an investigation or review of an investigation under Section 22A.156, Education Code.

Family Code Sec. 261.402. INVESTIGATIVE REPORTS.

(a) A state agency shall prepare and keep on file a complete written report of each investigation conducted by the agency under this subchapter.

(b) A state agency shall immediately notify the appropriate [~~state or local~~] law enforcement agency of any report the agency receives, other than a report from a law enforcement agency, that concerns the suspected abuse, neglect, or exploitation of a child or the death of a child from abuse or neglect. If the state agency finds evidence indicating that a child may have been abused, neglected, or exploited, the agency shall report the evidence to the appropriate law enforcement agency.

(c) A state agency that licenses, certifies, or registers a facility in which children are located shall compile, maintain, and make available statistics on the incidence in the facility of child abuse, neglect, and exploitation that is investigated by the agency.

(d) A state agency shall compile, maintain, and make available statistics on the incidence of child abuse, neglect, and exploitation in a facility operated by the state agency.

Commentary by: Kaci Sohrt
Source: SB 571
Effective Date: June 20, 2025
Applicability: Applies beginning in the 2025-2026 school year

Summary of Changes

Current law requires those who are required to report child abuse or neglect to do so no later than 48 hours after the person has a reasonable cause to believe that a child has been abused or neglected. This law changes that requirement to be no later than 24 hours after the person has a reasonable cause to believe a child has been abused or neglected.

This change also removes references to state or local law enforcement agency and instead defines law enforcement agency to be DPS, a municipal police department, a county sheriff's office, or a county constable's office. This definition applies throughout all the requirements to report to a law enforcement agency in Chapter 261, Family Code.

Code of Criminal Procedure 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:

(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;

Code of Criminal Procedure 12.02. MISDEMEANORS.

(a) Except as provided by Subsections [~~Subsection~~] (b) and (c), the following charging instruments may be presented within two years from the date of the commission of the offense, and not afterward:

(1) an indictment or information for any Class A or Class B misdemeanor; and

(2) a complaint or information for any Class C misdemeanor.

(b) An indictment, information, or complaint, as applicable, for assault under Section 22.01, Penal Code, may be presented within three years from the date of the commission of the offense, and not afterward, if the offense:

(1) is punishable as a misdemeanor; and

(2) 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.

(c) An indictment or information, as applicable, for failure to report child abuse or neglect may be presented within three years from the date the offense was discovered, and not afterward, if the offense is punishable as a Class A misdemeanor under Section 261.109(c), Family Code.

Commentary by: Chelsey Oden
Source: SB 127
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Under Texas Family Code § 261.109(a-1), a professional, as defined in § 261.101(b), commits an offense by knowingly failing to report child abuse or neglect as required. This offense is classified as a Class A misdemeanor unless the professional intentionally concealed the abuse or neglect, in which case it becomes a state jail felony. This bill seeks to address cases of prolonged abuse, such as those reported in Rockwall ISD, by extending the statute of limitations to three years from the date the offense is discovered for a Class A misdemeanor and four years for a state jail felony.

Topic: Jobs and Education Grant Program

Education Code Sec. 134.004. JOBS AND EDUCATION TEXANS (JET) GRANT PROGRAM.

(a) The commission shall establish and administer the Jobs and Education for Texans (JET) Grant Program to provide grants to public junior colleges, public technical institutes, public state colleges, [~~and~~] school districts and open-enrollment charter schools, and the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments described under Section 134.007. To receive the grants, those entities must [~~that~~] apply to the advisory board in the manner prescribed by the advisory board. The commission shall award the grants on the advice and recommendations of the advisory board.

(b) Grants may be awarded under this chapter from the Jobs and Education for Texans (JET) fund to defray the start-up costs associated with the development of new career and technical education programs at public junior colleges, public technical institutes, public state colleges, [~~and~~] school districts and open-enrollment charter schools, and the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments described under Section 134.007 if those entities [~~that~~] meet the requirements of Section 134.006.

Education Code Sec. 134.006. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

(a) The commission may award a grant for the development of new career and technical education courses or programs at public junior colleges, public technical institutes, public state colleges, [~~and~~] school districts and open-enrollment charter schools, and the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments described under Section 134.007.

(b) A grant received under this section may be used only:

(1) to support courses or programs that prepare students for career employment in occupations that are identified by local businesses as being in high demand, including courses offered for dual credit;

(2) to finance initial costs of career and technical education course or program development, including the costs of constructing or renovating facilities, purchasing equipment, and other expenses associated with the development of a new course; and

(3) to finance a career and technical education course or program that leads to a license, certificate, or postsecondary degree.

(c) In awarding a grant under this section, the commission shall primarily consider the potential economic returns to the state from the development of the career and technical education course or program. The commission may also consider whether the course or program:

(1) is part of a new, emerging industry or high-demand occupation;

(2) offers new or expanded dual credit career and technical educational opportunities in public high schools;

(3) offers new career and technical educational opportunities not previously available:

(A) to students enrolled at any campus in the Windham School District; or

(B) as part of any existing educational programs that are offered in facilities operated wholly or partly by the Texas Juvenile Justice Department, a juvenile board, or a juvenile probation department, including a facility operated by a private vendor under a contract with the Texas Juvenile Justice Department, a juvenile board, or a juvenile probation department; or

(4) is provided in cooperation with other public junior colleges, public technical institutes, or public state colleges across existing service areas.

(d) To be eligible to receive a grant under this section, a public junior college, public technical institute, public state college, or school district or open-enrollment charter school described under Section 134.007 must provide matching funds in accordance with rules adopted under Section 134.008. The matching funds may be obtained from any source available to the public junior college, public technical institute, public state college, school district, or open-enrollment charter school, including industry consortia, community or foundation grants, individual contributions, and local governmental agency operating funds.

Education Code Sec. 134.007. GRANTS AWARDED TO SCHOOL DISTRICTS, [~~DISTRICT OR~~] OPEN-ENROLLMENT CHARTER SCHOOLS, OR CERTAIN JUVENILE JUSTICE ENTITIES [~~SCHOOL~~].

The commission may award a grant under this chapter to:

(1) an independent school district or open-enrollment charter school if the district or school has entered into a partnership with a public junior college, public technical institute, or public state college for the purpose of:

(A) promoting career and technical education to the district's or school's students; or

(B) offering dual credit courses to the district's or school's students; [~~or~~]

(2) the Windham School District; or

(3) the Texas Juvenile Justice Department, a juvenile board, or a juvenile probation department.

Commentary by: Kaci Sohrt
Source: SB 1728
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

The Jobs and Education for Texans (JET) Grant Program provides grants from the Texas Workforce Commission to public junior colleges, public technical institutes, public state colleges, school districts, and open-enrollment charter schools. The purpose is to defray the start-up costs associated with developing new career and technical education programs. These changes add TJJD, juvenile boards, and juvenile probation departments to the list of entities eligible for these grants.

Grants may be used only to support programs or courses that prepare students for career employment in occupations that are identified by local businesses as being in high demand, including courses offered for dual credit; to finance initial costs of career and technical education course or program development, including the costs of constructing or renovating facilities, purchasing equipment, and other expenses associated with the development of a new course; and to finance a career and technical education course or program that leads to a license, certificate, or postsecondary degree.

In deciding whether to award a grant, the Texas Workforce Commission is required to primarily consider the potential economic returns to the state from the course or program. course or program and may also consider other things, such whether the course or program is provided in cooperation with other public junior colleges, technical institutes, or state colleges; is part of a new, emerging industry or high-demand occupation; offers new or expanded dual credit career and technical educational opportunities in public high schools; or offers new or expanded career and technical educational opportunities not previously available to Windham School District students (TDCJ).

Newly added is that the Texas Workforce Commission may consider whether the course or program offers new career and technical education opportunities not previously available as part of any existing education programs offered in juvenile justice facilities or TJJD.

Topic: Probation and Parole Officers

Transportation Code Sec. 521.1211. DRIVER'S LICENSE FOR PAROLE OFFICERS, PEACE OFFICERS, PROBATION OFFICERS, AND PROSECUTORS.

(a) In this section:

(1) "Parole officer" has the meaning assigned by Section 508.001, Government Code.

(1-a) "Peace officer" has the meaning assigned by Article 2A.001, Code of Criminal Procedure, except that the term includes a special investigator as defined by Article 2A.002, Code of Criminal Procedure.

(2) "Probation officer" means a law enforcement professional that supervises individuals placed on probation.

(3) "Prosecutor" means a county attorney, district attorney, criminal district attorney, assistant county attorney, assistant district attorney, or assistant criminal district attorney.

(a-1) This section applies only to a parole officer, a peace officer, a probation officer, and a prosecutor.

(b) Notwithstanding Section 521.121(a), the department by rule shall adopt procedures for the issuance of a driver's license to an applicant that omits the license holder's actual residence address and includes, as an alternative, an address described under Subsection (f).

(c) To be issued a driver's license under this section, an applicant must apply to the department and provide sufficient evidence acceptable to the department to establish the applicant's status as a person described under Subsection (a-1). On issuance of the license, the license holder shall surrender any other driver's license issued to the holder by the department.

(d) If the holder of a driver's license that includes an alternative address moves to a new residence, or, for a parole officer, a probation officer, or a prosecutor, to a new office address, or if the name of the person is changed by marriage or otherwise, the license holder shall, not later than the 30th day after the date of the address or name change, notify the department and provide the department with the number of the person's driver's license and, as applicable, the person's:

(1) former and new addresses; or

(2) former and new names.

(e) If the holder of a driver's license that includes an alternative address ceases to be a person described by Subsection (a-1), the license holder shall, not later than the 30th day after the date of the status change, apply to the department for issuance of a duplicate license. The duplicate license must include the person's actual current residence address.

(f) The department shall accept as an alternative address:

(1) for a parole officer, the address of an office of the parole officer;

(2) for a peace officer, an address that is in the:

(A) municipality or county of the peace officer's residence; or

(B) county of the peace officer's place of employment; [~~and~~]

(3) for a probation officer, the address of an office of the probation officer; and

(4) [~~(2)~~] for a prosecutor, the address of an office of the prosecutor.

Commentary by: Kaci Sohrt
Source: SB 523
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

Current law allows for peace officers and prosecutors to have their driver's license issued in an alternative address, as opposed to their home address. The reasoning is for their own safety.

This law provides that same option to parole officers and probation officers. It is clear from the statute that this applies only to adult parole officers, as parole officer is defined by reference to Section 508.001, Government Code. That definition is clear that parole officer is a TDCJ parole officer.

Probation officer has a less clear definition. It is defined as a "law enforcement professional that supervises individuals on probation." This broad

definition may be sufficient for this provision to apply to juvenile probation officers.

Topic: TJJD Office of Inspector General

Government Code Sec. 614.171. DEFINITION.

(1) "Law enforcement agency" means the Department of Public Safety, Texas Alcoholic Beverage Commission, Texas Department of Criminal Justice, Texas Juvenile Justice Department, Parks and Wildlife Department, and [~~the~~] office of the attorney general.

(2) "Law enforcement officer" means a person who is a commissioned peace officer employed by a law enforcement agency.

Government Code Sec. 614.172. PHYSICAL FITNESS PROGRAMS AND STANDARDS.

(a) Each law enforcement agency shall adopt physical fitness programs that a law enforcement officer must participate in and physical fitness standards that a law enforcement officer must meet. The standards as applied to an officer must directly relate to the officer's job duties and shall include individual fitness goals specific to the officer's age and gender. A law enforcement agency shall use the services of a consultant to aid the agency in developing the standards.

(a-1) Each law enforcement agency shall adopt a reward policy that provides for reward incentives to officers who participate in the program and meet the standards adopted under Subsection (a). The reward incentives under the policy must be an amount of administrative leave of not more than four days per year.

(a-2) An agency may adopt physical readiness standards independent of other law enforcement agencies.

(b) Except as provided by Subsection (c), a violation of a standard adopted under Subsection (a) is just cause to discharge an officer or:

(1) transfer an officer to a position that is not compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act; or

(2) for a law enforcement officer employed by the Parks and Wildlife Department and compensated according to Schedule B of the position classification salary schedule prescribed by the General Appropriations Act, transfer the officer to a position that does not require the employee to be a commissioned peace officer.

(c) A law enforcement agency may exempt a law enforcement officer from participating in a program or meeting a standard under Subsection (a) based on the facts and circumstances of the individual case, including whether an officer was injured in the line of duty.

Government Code Sec. 659.303. TEXAS JUVENILE JUSTICE DEPARTMENT EMPLOYEES.

(a) The department may include hazardous duty pay in the compensation paid to an individual for services rendered during a month if the individual[~~:(1)~~] has:

(1) [~~(A)~~] routine direct contact with youth:

(A) [~~(i)~~] placed in a residential facility of the department; or

(B) [~~(ii)~~] released under the department's supervision; and

(2) [~~(B)~~] completed at least 12 months of lifetime service credit not later than the last day of the preceding month.

(a-1) The department shall include hazardous duty pay in the compensation paid to an individual for services rendered during a month if the individual[~~; or~~ [~~(2)~~] is an investigator, inspector general, security officer, or apprehension specialist employed by the office of [~~the~~] inspector general of the department.

(d) Except for the inclusion of hazardous duty pay in the compensation paid to an individual described by Subsection (a-1) [~~(a)(2)~~], the department may not pay hazardous duty pay:

(1) from funds authorized for payment of an across-the-board employee salary increase; or

(2) to an employee who works at the department's central office.

Government Code Sec. 661.918. INJURY LEAVE FOR CERTAIN PEACE OFFICERS.

(a) This section applies to a peace officer under Article 2A.001, Code of Criminal Procedure, who is commissioned as a law enforcement officer or agent, including a ranger, by:

(1) the Public Safety Commission and the director of the Department of Public Safety;

(2) the Parks and Wildlife Commission;

(3) the Texas Alcoholic Beverage Commission;

(4) the attorney general;

(5) the insurance fraud unit of the Texas Department of Insurance; [~~or~~]

(6) the comptroller; or

(7) the office of inspector general of the Texas Juvenile Justice Department.

(b) A peace officer to whom this section applies is entitled to injury leave, without a deduction in salary, without being required to use compensatory time off accrued under Chapter 659, and without being required to use any other type of leave allowable under this chapter, for an injury sustained due to the nature of the officer's duties and that occurs during the course of the officer's performance of duty, except an officer is not entitled to injury leave under this subsection if:

(1) the officer's own gross negligence contributed to the officer's injury; or

(2) the injury was related to the performance of routine office duties.

(c) To be eligible for injury leave under this section, a person must submit to the person's employer evidence of a medical examination and a recommendation for a specific period of leave from a physician licensed to practice in this state.

(d) The maximum amount of leave available under this section for all injuries occurring at one time is one year.

(e) A person may simultaneously be on injury leave under this section and receive workers' compensation medical benefits under Title 5, Labor Code, but is not eligible for disability retirement benefits under Chapter 814 during the leave period. A person is entitled to workers' compensation indemnity benefits which accrue pursuant to Title 5, Labor Code, after the discontinuation or exhaustion of injury leave under this section.

Human Resources Code Sec. 242.102. OFFICE OF INSPECTOR GENERAL.

(j) The department shall ensure that a peace officer commissioned under Subsection (d) is compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act.

Commentary by: Kaci Sohrt

Source: SB 1171

Effective Date: September 1, 2025

Applicability: The classification officer in the office of the state auditor shall classify the position of commissioned peace officer employed by the office of inspector general of the Texas Juvenile Justice Department as a Schedule C position under the position classification plan maintained under Chapter 654, Government Code. The effective date for the change is September 1, 2025. Section 661.918(a), Government Code, as amended, applies only to an injury that occurs on or after the effective date.

Summary of Changes

These changes relate to peace officers commissioned by the TJJD Office of Inspector General. These persons are now to be compensated according to salary schedule C under that state classification schedule. They are also now subject to mandatory physical fitness standards, which are subject to reward policies the law enforcement agency must adopt. A violation of the physical fitness standards is just cause to discharge an officer or transfer them to a position not compensated according to schedule C.

Under current law, TJJD is authorized, but not required, to give hazardous duty pay to individuals who have routine direct contact with youth in its facilities or no parole and who have worked for the agency at least 12 months as well as to the inspector general and OIG investigators, security officers, and apprehension specialists. Now, the OIG individuals are mandated to receive hazardous duty pay while the others are still allowable but not mandated.

The OIG commissioned officers are also now eligible for injury leave for injuries occurring during the performance of duties unless the officer's gross negligence contributed to the injury or the injury was related to the performance of routine office duties. Injury leave allows the person to be

off work and be paid without being required to use their leave.

Topic: TJJD Custodial Officers

Government Code Sec. 811.001. DEFINITIONS.

(8) "Custodial officer":

(A) means a member of the retirement system who is employed:

(i) by the Board of Pardons and Paroles or the Texas Department of Criminal Justice as a parole officer or caseworker;

(ii) by the Texas Juvenile Justice Department in a position in which the member's service is creditable as a custodial officer under Section 813.506(b-1); or

(iii) [~~who is employed~~] by the correctional institutions division of the Texas Department of Criminal Justice and certified by the department as having a normal job assignment that requires frequent or infrequent regularly planned contact with, and [~~in~~] close proximity to, inmates or defendants of the correctional institutions division without the protection of bars, doors, security screens, or similar devices and includes assignments normally involving supervision or the potential for supervision of inmates in inmate housing areas, educational or recreational facilities, industrial shops, kitchens, laundries, medical areas, agricultural shops or fields, or in other areas on or away from property of the department; and

(B) [~~. The term~~] includes a member who transfers from the Texas Department of Criminal Justice to the managed health care unit of The University of Texas Medical Branch or the Texas Tech University Health Sciences Center pursuant to Section 9.01, Chapter 238, Acts of the 73rd Legislature, 1993, elects at the time of transfer to retain membership in the retirement system, and is certified by the managed health care unit or the health sciences center as having a normal job assignment described by Paragraph (A)(iii) [~~this subdivision~~].

(9) "Law enforcement officer" means a member of the retirement system who:

(A) has been commissioned as a peace [~~law enforcement~~] officer by:

(i) the Department of Public Safety;[~~,~~]

(ii) the Texas Alcoholic Beverage Commission;[~~,~~]

(iii) the Parks and Wildlife Department;

(iv) [~~, or~~] the office of inspector general at the Texas Juvenile Justice Department;

(v) the comptroller; or

(vi) the attorney general; and

(B) is licensed [~~recognized~~] as a commissioned peace [~~law enforcement~~] officer by the Texas Commission on Law Enforcement.

Government Code Sec. 813.506. CUSTODIAL OFFICER SERVICE.

(b-1) The Texas Juvenile Justice Department shall adopt standards for determining eligibility for service credit as a custodial officer employed by the department based on the need to encourage early retirement of persons whose duties are hazardous. To be creditable as custodial officer service under the Texas Juvenile Justice Department, service must be performed:

(1) as a juvenile correctional officer, as that term is defined by Section 242.009, Human Resources Code, or a caseworker; or

(2) in a position, other than a position described by Subdivision (1), the primary duties of which include the custodial supervision of or other close, regularly planned contact with youth in the custody of the department.

(c) The Texas Department of Criminal Justice, the managed health care unit of The University of Texas Medical Branch or the Texas Tech University Health Sciences Center, the Texas Juvenile Justice Department, or the Board of Pardons and Paroles, as applicable, shall determine a person's eligibility to receive credit as a custodial officer. A determination under this subsection [~~of the department, unit, or board~~] may not be appealed by an employee but is subject to change by the retirement system.

Government Code Sec. 814.104. ELIGIBILITY OF MEMBER FOR SERVICE RETIREMENT.

(b) A member is eligible to retire and receive a service retirement annuity if the member:

(1) [~~who~~] is at least 55 years old; and

(2) [~~who~~] has at least 10 years of service credit as a:

(A) law enforcement officer; [~~commissioned peace officer engaged in criminal law enforcement activities of the Department of Public Safety, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Department, or the office of inspector general at the Texas Juvenile Justice Department,~~] or

(B) [~~as a~~] custodial officer[~~, is eligible to retire and receive a service retirement annuity~~].

Government Code Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND CUSTODIAL OFFICERS.

Not later than the 12th day of the month following the month in which a person begins or ceases employment as a law enforcement officer or custodial officer, the governmental entity that employs or ceased employing the law enforcement officer or custodial officer [~~Public Safety Commission, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Commission, the office of inspector general at the Texas Juvenile Justice Department, the Board of Pardons and Paroles, or the Texas Board of Criminal Justice~~], as applicable, shall certify to the retirement system, in the manner prescribed by the system, the name of the employee and such other information as the system determines is necessary for the crediting of service and financing of benefits under this subtitle.

Commentary by: Kaci Sohrt

Source: SB 1737

Effective Date: September 1, 2025

Applicability, Part 1:

(a) Subject to Subsection (b) or (c) of this section, as applicable, the changes in law made by this Act apply to a member of the Employees Retirement System of Texas who is employed by the Texas Juvenile Justice Department, the comptroller, or the attorney general as a law enforcement officer or custodial officer, as applicable, on or after the effective date of this Act, regardless of whether the member was hired before, on, or after the effective date of this Act.

(b) This subsection applies only to a member described by Subsection (a) of this section and not subject to Subsection (c) of this section who, on December 1, 2024, was employed in a law enforcement officer or custodial officer position with the Texas Juvenile Justice Department, the comptroller, or the attorney general, as applicable. Service credit earned by the member before the effective date of this Act in a position for which service is creditable as a law enforcement officer or custodial officer under Subtitle B, Title 8, Government Code, as amended by this Act, is considered service credit established as a law enforcement officer or custodial officer, as applicable, for purposes of determining the benefits payable from the law enforcement and custodial officer supplemental retirement fund.

(c) This subsection applies only to a member described by Subsection (a) of this section who is subject to Chapter 820, Government Code. The member may establish service credit as a law enforcement officer or custodial officer with the Texas Juvenile Justice Department, the comptroller, or the attorney general, as applicable, only for service performed on or after the effective date of this Act.

(d) As soon as practicable after the effective date of this Act, the board of trustees of the Employees Retirement System of Texas, in consultation with the Texas Juvenile Justice Department, the comptroller, and the attorney general, shall adopt rules necessary to implement the changes in law made by this Act.

(e) The Texas Juvenile Justice Department, the comptroller, and the attorney general shall:

(1) as soon as practicable after the effective date of this Act, certify to the Employees Retirement System of Texas, in the form and manner prescribed by the board of trustees of the retirement system:

(A) the name of each member who is employed by the department, comptroller, or attorney general as a law enforcement officer or custodial officer on the effective date of this Act;

(B) if the member is subject to Subsection (b) of this section, the amount of service credit established by the member as a law enforcement officer or custodial officer before the effective date of this Act; and

(C) any other information the retirement system determines is necessary to credit law enforcement officer or custodial officer service in accordance with the changes in law made by this Act; and

(2) beginning with the first pay period that occurs after the effective date of this Act and with respect to each member employed by the department, comptroller, or attorney general as a law enforcement officer or custodial officer, begin making deductions and collecting member contributions for the law enforcement and custodial officer supplemental retirement fund as prescribed by Section 815.402(h) or 820.101(b), Government Code, as applicable.

Applicability, Part 2:

(a) The Employees Retirement System of Texas is required to implement this Act only if the board of trustees of the Employees Retirement System of Texas finds that the 89th Legislature appropriated money to the retirement system in an amount sufficient to implement Section 5(b) of this Act, without increasing the unfunded actuarial liabilities of the retirement system. The amount appropriated by the 89th Legislature to implement Section 5(b) of this Act must be in addition to any amounts the state is required to contribute to the retirement system under Subchapter E, Chapter 815, Government Code. If the board of trustees of the Employees Retirement System of Texas finds that the 89th Legislature did not appropriate money in an amount sufficient to implement Section 5(b) of this Act without increasing the unfunded actuarial liabilities of the retirement system, the retirement system may not implement this Act.

(b) Not later than October 1, 2025, the board of trustees of the Employees Retirement System of Texas shall make and publish in the Texas Register:

(1) its finding under Subsection (a) of this section; and

(2) a statement regarding whether, as a result of its finding, the retirement system is or is not implementing this Act.

Summary of Changes

This bill provides that TJJD juvenile correctional officers, caseworkers, and other with primary duties that include the custodial supervision of or other close, regularly planned contact with youth in TJJD custody are considered custodial officers. Custodial officers are eligible to retire and receive a service retirement annuity if they are at least age 55 and have at least 10 years of service credit as a custodial officer. (Note, this also applies to law enforcement officers but that is not what was changed.) The employing agency is required to certify the required information for the crediting and financing of the benefits.

The date of employment controls for eligibility. The changes in law apply regardless of whether the member was hired before, on, or after the effective date of the act. If a person was employed in the position on December 1, 2024, then service credit earned in an eligible position before the effective date of the Act is considered service credit for the purposes of determining the payable benefits. However, if a person is one to whom Chapter 820, Government Code, applies, then the person may establish service credit only for service performed on or after the effective date of the Act.

The ERS board of trustees, in consultation with TJJD, the comptroller, and the attorney general, must adopt rules to implement the changes. TJJD, the comptroller, and the attorney general shall certify to ERS the name of each member who is employed by those agencies on the effective date of the Act, the amount of service credit date the person has established, if applicable, and any other information ERS needs to give the credit. The agencies must deduct the member contributions for the law enforcement and custodial officer supplemental retirement fund.

ERS is required to implement these changes only if the ERS board finds that the legislature appropriated sufficient amounts to do so without increasing the unfunded actuarial liabilities of the retirement system. If the ERS board finds they did not do so, ERS may not implement the Act. ERS must make and publish its findings in the Texas Register no later than October 1, 2025.

Procedure and Evidence

Topic: Procedure and Evidence in Juvenile Cases

Family Code Sec. 51.17. PROCEDURE AND EVIDENCE.

(a) Except as provided by Section 56.01(b-1) and except for the burden of proof to be borne by the state in adjudicating a child to be delinquent or in need of supervision under Section 54.03(f) or otherwise when in conflict with a provision of this title, the Texas Rules of Civil Procedure govern proceedings under this title.

(b) Discovery in a proceeding under this title is governed by the Code of Criminal Procedure and by case decisions in criminal cases.

(c) Except as otherwise provided by this title, the Texas Rules of Evidence applicable to criminal cases and Articles 33.03 and 37.07 and Chapter 38, Code of Criminal Procedure, apply in a judicial proceeding under this title.

(d) When on the motion for appointment of an interpreter by a party or on the motion of the juvenile court, in any proceeding under this title, the court determines that the child, the child's parent or guardian, or a witness does not understand and speak English, an interpreter must be sworn to interpret for the person as provided by Article 38.30, Code of Criminal Procedure.

(e) In any proceeding under this title, if a party notifies the court that the child, the child's parent or guardian, or a witness is deaf, the court shall appoint a qualified interpreter to interpret the proceedings in any language, including sign language, that the deaf person can understand, as provided by Article 38.31, Code of Criminal Procedure.

(f) Any requirement under this title that a document contain a person's signature, including the signature of a judge or a clerk of the court, is satisfied if the document contains the signature of the person as captured on an electronic device or as a digital signature. Article 2.26, Code of Criminal Procedure, applies in a proceeding held under this title.

(g) Articles 21.07, 26.07, 26.08, 26.09, and 26.10, Code of Criminal Procedure, relating to the name of an adult defendant in a criminal case, apply to a child in a proceeding held under this title.

(h) Articles 58.001, 58.101, 58.102, 58.103, 58.104, 58.105, and 58.106, Code of Criminal Procedure, relating to the use of a pseudonym by a victim in a criminal case, apply in a proceeding held under this title.

(i) Except as provided by Section 56.03(f), the state is not required to pay any cost or fee otherwise imposed for court proceedings in either the trial or appellate courts.

Summary of Changes

There are no changes to this statute. It is included for reference as portions of it are relevant to the discussion included for some of the bills covered.

Topic: Interpreters

Code of Criminal Procedure Art. 38.30. INTERPRETER.

(a) In any criminal proceeding, when [~~When~~] a motion for appointment of an interpreter is filed by any party or on motion of the court and if the court determines[~~, in any criminal proceeding, it is determined~~] that a person charged or a witness does not understand and speak the English language, an interpreter must be appointed as provided by Section 57.002, Government Code, and sworn to interpret for the person charged or the witness. Subject to Section 57.002, Government Code, any[~~Any~~] person may be subpoenaed, attached, or recognized in any criminal action or proceeding[,] to appear before the proper judge or court to act as interpreter [~~therein,~~] under the same rules and penalties as are provided for witnesses. In the event that the only available interpreter is not considered to possess adequate interpreting skills for the particular situation or the interpreter is not familiar with use of slang, the person charged or witness may be permitted by the court to nominate another person to act as intermediary between the person charged or wit-

ness and the appointed interpreter during the proceedings.

(a-1) A qualified telephone interpreter may be sworn to interpret for the person in any criminal proceeding before a judge or magistrate if an interpreter is not available to appear in person at the proceeding or if the only available interpreter is not considered to possess adequate interpreting skills for the particular situation or is unfamiliar with the use of slang. In this subsection, "qualified telephone interpreter" means a telephone service that employs:

(1) licensed court interpreters as defined by Section 157.001, Government Code; or

(2) federally certified court interpreters.

(b) Except as provided by Subsection (c) of this article, interpreters appointed under the terms of this article will receive from the general fund of the county for their services a sum not to exceed $100 a day as follows: interpreters shall be paid not less than $15 nor more than $100 a day at the discretion of the judge presiding, and when travel of the interpreter is involved all the actual expenses of travel, lodging, and meals incurred by the interpreter pertaining to the case the interpreter is appointed to serve shall be paid at the same rate applicable to state employees.

(c) A county commissioners court may set a payment schedule and expend funds for the services of interpreters in excess of the daily amount of not less than $15 or more than $100 established by Subsection (b) of this article.

Government Code Sec. 57.002. APPOINTMENT OF INTERPRETER OR CART PROVIDER; CART PROVIDER LIST; PAYMENT OF INTERPRETER COSTS.

(a) A court shall appoint a certified court interpreter or a certified CART provider for an individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English if a motion for the appointment of an interpreter or provider is filed by a party or requested by a witness in a civil or criminal proceeding in the court.

(b) A court may, on its own motion, appoint a certified court interpreter or a certified CART provider for an individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English.

(b-1) A licensed court interpreter appointed by a court under Subsection (a) or (b) must hold a license that includes the appropriate designation under Section 157.101(d) that indicates the interpreter is permitted to interpret in that court.

(c) Subject to Subsection (e), in a county with a population of less than 50,000, a court may appoint a spoken language interpreter who is not a licensed court interpreter.

(d) Subject to Subsection (e), in a county with a population of 50,000 or more, a court may appoint a spoken language interpreter who is not a certified or licensed court interpreter if:

(1) the language necessary in the proceeding is a language other than Spanish; and

(2) the court makes a finding that there is no licensed court interpreter within 75 miles who can interpret in the language that is necessary in a proceeding.

(d-1) Subject to Subsection (e), a court in a county to which Section 21.021, Civil Practice and Remedies Code, applies may appoint a spoken language interpreter who is not a licensed court interpreter.

(e) A person appointed under Subsection (c) or (d):

(1) must be qualified by the court as an expert under the Texas Rules of Evidence;

(2) must be at least 18 years of age; and

(3) may not be a party to the proceeding.

Commentary by: Kaci Sohrt
Source: SB 1537
Effective Date: May 30, 2025
Applicability: On or after the effective date

Summary of Changes

The purpose of this bill was to address a lack of clarity with regard to the qualifications of interpreters in criminal proceedings. This law seeks to make clear that the provisions in Section 57.002, Government Code, apply when an interpreter is appointed. Section 57.002, Government Code, was unchanged but is included here for reference. Section 51.17 (d), Family Code, makes clear that

Article 38.30, Code of Criminal Procedure, is applicable to juvenile cases.

Topic: Victim-Related Procedures

Code of Criminal Procedure Art. 38.372. EVIDENCE OF VICTIM'S PAST SEXUAL BEHAVIOR.

(a) In this article, "victim" includes the victim of an extraneous offense or act with respect to which evidence is introduced during the prosecution of an offense described by Subsection (b).

(b) This article applies to a proceeding in the prosecution of a defendant for an offense, or for an attempt or conspiracy to commit an offense, under any of the following provisions of the Penal Code:

(1) Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of Persons);

(2) Section 20A.03 (Continuous Trafficking of Persons), if the offense is based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8);

(3) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

(4) Section 21.11 (Indecency with a Child);

(5) Section 22.011 (Sexual Assault);

(6) Section 22.012 (Indecent Assault); or

(7) Section 22.021 (Aggravated Sexual Assault).

(c) In the prosecution of an offense described by Subsection (b), reputation or opinion evidence of a victim's past sexual behavior is not admissible.

(d) Except as provided by Subsection (e), in the prosecution of an offense described by Subsection (b), evidence of a specific instance of a victim's past sexual behavior is not admissible.

(e) A defendant may not offer evidence of a specific instance of a victim's past sexual behavior unless the court:

(1) on a motion by the defendant made outside the presence of the jury, conducts an in camera examination of the evidence in the presence of the court reporter; and

(2) determines that the probative value of the evidence outweighs the danger of unfair prejudice to the victim and that the evidence:

(A) is necessary to rebut or explain scientific or medical evidence offered by the attorney representing the state;

(B) concerns past sexual behavior with the defendant and is offered by the defendant to prove consent, if the lack of consent is an element of the offense;

(C) relates to the victim's motive or bias;

(D) is admissible under Rule 609, Texas Rules of Evidence; or

(E) is constitutionally required to be admitted.

(f) The court shall seal the record of the in camera examination conducted under Subsection (e)(1) and preserve the examination record as part of the record in the case.

Commentary by: Kaci Sohrt
Source: SB 535
Effective Date: September 1, 2025
Applicability: Applies to the admissibility of a statement in a criminal proceeding that commences on or after the effective date.

Summary of Changes

This new procedural statute provides that, in certain cases, reputation or opinion evidence of the victim's past sexual behavior is not admissible. Additionally, evidence of a specific instance of the victim's past sexual behavior is also inadmissible by the defendant unless the defense makes a motion outside of the presence of the jury and, as a result, the court conducts an in camera examination of the evidence in the presence of the court reporter and determines the probative value outweighs the danger of unfair prejudice to the victim. Additionally, the court must find one of the following about the evidence: 1) it is necessary to rebut or explain scientific or medical evidence offered by the prosecutor; 2) it concerns past sexual behavior with the defendant and is offered to prove consent; 3) it relates to the victim's motive or bias; 4) it is admissible under Rule 609, Texas Rules of Evidence; or 5) it is constitutionally required to be admitted. The in camera examination shall be sealed and made part of the record in the case.

The offenses covered by this statute are: trafficking of persons (certain provisions), continuous trafficking of persons (certain provisions), continuous sexual abuse of young child or disabled individual (cannot be committed by a person under 17), indecency with a child, sexual assault, indecent assault, and aggravated sexual assault.

Although this is in the Code of Criminal Procedure and juvenile cases are generally controlled by the Rules of Civil Procedure, this provision applies in juvenile cases because Section 51.17 (c), Family Code, makes all of Chapter 38, Code of Criminal Procedure, applicable in juvenile cases.

Code of Criminal Procedure Art. 38.435. PROHIBITED USE OF EVIDENCE FROM FORENSIC MEDICAL EXAMINATION PERFORMED ON VICTIM OF SEXUAL ASSAULT OR OTHER SEX OFFENSE; PLACEMENT UNDER SEAL.

(a) Evidence collected during a forensic medical examination conducted under Subchapter G, Chapter 56A, may not be used to investigate or prosecute a misdemeanor offense, or an offense under Subchapter D, Chapter 481, Health and Safety Code, alleged to have been committed by the victim from whom the evidence was collected.

(b) During the course of a criminal hearing or proceeding, the court may not make available or allow to be made available for copying or dissemination to the public any property or material related to or derived from evidence described by Subsection (a), including a visual image or a recording made as part of the examination.

(c) The court shall place property or material described by Subsection (a) under seal of the court on the conclusion of the hearing or proceeding.

(d) A court that places under seal property or material described by Subsection (a) may issue an order lifting the seal on a finding that the order is in the best interest of the public.

Applicability: Applies to a court hearing that commences on or after the effective date of this Act.

Code of Criminal Procedure Art. 38.451. EVIDENCE DEPICTING INVASIVE VISUAL RECORDING ~~[OF CHILD]~~.

(a) During the course of a criminal hearing or proceeding concerning an offense under Section 21.15, Penal Code, [~~that was committed against a child younger than 14 years of age,~~] the court may [~~shall~~] not make available or allow to be made available for [~~the~~] copying or dissemination to the public property or material that constitutes or contains a visual image, as described by Section 21.15(b), Penal Code, [~~of a child younger than 14 years of age~~] and that was seized by law enforcement based on a reasonable suspicion that an offense under that subsection has been committed.

(b) The court shall place property or material described by Subsection (a) under seal of the court on the conclusion of the hearing or proceeding.

(c) The attorney representing the state shall be provided access to the property or material described by Subsection (a). In the manner provided by Article 39.151, the defendant, the defendant's attorney, and any individual the defendant seeks to qualify to provide expert testimony at trial shall be provided access to the property or material provided by Subsection (a).

(d) A court that places property or material described by Subsection (a) under seal may issue an order lifting the seal on a finding that the order is in the best interest of the public.

Applicability: Applies to a court hearing that commences on or after the effective date of this Act.

Code of Criminal Procedure Art. 39.152. DISCOVERY OF EVIDENCE DEPICTING INVASIVE VISUAL RECORDING OF PERSON 14 YEARS OF AGE OR OLDER.

(a) In the manner provided by this article, a court shall allow discovery of property or material that constitutes or contains a visual image, as described by Section 21.15(b), Penal Code, of a person 14 years of age or older and that was seized by law enforcement based on a reasonable suspicion that an offense under that subsection has been committed.

(b) The court shall enter a protective order that prohibits copying or dissemination of property or material described by Subsection (a) that is pro-

duced to the defendant or the defendant's attorney under Article 39.14.

(c) Any property or material described by Subsection (a) that is produced under Article 39.14 and not offered as and admitted to evidence must either be returned to the state or destroyed at the time of the final disposition of the case.

Code of Criminal Procedure Art. 39.153. DISCOVERY OF PROPERTY OR MATERIAL FROM FORENSIC MEDICAL EXAMINATION PERFORMED ON VICTIM OF SEXUAL ASSAULT OR OTHER SEX OFFENSE.

(a) In the manner provided by this article, a court shall allow discovery of property or material that constitutes or contains a visual image or a recording that was made as part of a forensic medical examination.

(b) The court shall enter a protective order that prohibits copying or dissemination of property or material described by Subsection (a) that is produced to the defendant or the defendant's attorney under Article 39.14.

(c) Any property or material described by Subsection (a) that is produced under Article 39.14 and not offered as and admitted to evidence must either be returned to the state or destroyed at the time of the final disposition of the case.

Applicability: Applies to a court hearing that commences on or after the effective date of this Act.

Government Code Sec. 21.014. ELECTRONIC TRANSMISSION OF COURT PROCEEDINGS IN CERTAIN CASES PROHIBITED.

(a) This section applies to the following:

(1) criminal or civil court proceedings relating to an offense under:

(A) Section 21.02, 21.11, 21.15, 22.011, 22.012, or 22.021, Penal Code;

(B) Section 20A.02(a)(3), (4), (7), or (8), Penal Code; or

(C) Section 20A.03, Penal Code, if the offense is based partly or wholly on conduct that constitutes an offense described by Paragraph (B); and

(2) court proceedings relating to:

(A) a protective order under Chapter 7B, Code of Criminal Procedure;

(B) a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure;

(C) a protective order issued under Section 6.504, Family Code; or

(D) a protective order issued under Chapter 85, Family Code.

(b) A court may not allow the electronic transmission or broadcasting of court proceedings described by Subsection (a) in which evidence or testimony is offered that depicts or describes acts of a sexual nature unless the court provides notice to and receives express consent for the transmission or broadcasting from:

(1) the victim or the parent, conservator, or guardian of the victim, as applicable;

(2) the attorney representing the state; and

(3) the defendant.

Applicability: Applies to a court hearing that commences on or after the effective date of this Act.

Code of Criminal Procedure Art.56A.403. DUTIES OF PEACE OFFICERS REGARDING VICTIMS OF SEXUAL ASSAULT.

(a) A peace officer who investigates an incident involving sexual assault or who responds to a disturbance call that may involve sexual assault shall provide to the victim a written notice containing information about the rights of crime victims under Article 56A.052 and the rights and procedures under Chapter 58.

(b) At the initial contact or at the earliest possible time after the initial contact between a sexual assault victim and the peace officer responding to the incident or disturbance call about the offense, the peace officer shall:

(1) provide to the victim:

(A) a written referral to the nearest sexual assault program as defined by Section 351.251, Local Government Code; and

(B) information about the statewide electronic tracking system established under Section 420.034, Government Code;

(2) offer to request a forensic medical examination on behalf of the victim in accordance with Article 56A.251;

(3) coordinate with the local response team, as defined by Section 351.251, Local Government Code, to provide continuing care to the victim or to further investigate the offense; and

(4) provide to the victim a written notice containing all of the information required by this article.

(c) Each law enforcement agency shall consult with a local sexual assault program or response team, as those terms are defined by Section 351.251, Local Government Code, to develop the written notice required by Subsection (b). The notice must include the information described by Subsection (d) and may be combined with the written notice required under Article 56A.401. At least once each biennium, the law enforcement agency shall update the notice required by Subsection (b).

(d) The notice required by Subsection (b) must be in English and Spanish and include the current contact information for a victim assistance coordinator under Article 56A.201 and a crime victim liaison under Article 56A.203. The notice is considered sufficient if it includes the following statements:

"NOTICE TO ADULT VICTIMS OF SEXUAL ASSAULT"

"It is a crime for any person to cause you any physical injury or harm."

"Please tell the investigating peace officer if you have been injured or if you feel you are going to be in danger when the officer leaves or at a later time."

"You have the right to:

"(1) obtain a forensic medical examination within 120 hours of the assault to collect potential evidence and receive preventative medications, even if you decide not to make a report to a law enforcement agency;

"(2) anonymously track or receive updates regarding the status and location of each item of evidence collected in your case;

"(3) have a sexual assault program advocate present during a forensic medical examination;

"(4) have a sexual assault program advocate or other victim's representative present during an investigative interview with law enforcement;

"(5) ask the local prosecutor to file a criminal complaint against the person who assaulted you; and

"(6) if a defendant is arrested for a crime against you involving certain sexual crimes, stalking, or trafficking:

"(A) request an order for emergency protection to be issued by a magistrate; [~~and~~]

"(B) using procedures provided by Chapter 58, Code of Criminal Procedure, request a pseudonym to be used instead of your name in all public files and records concerning the offense; and

"(C) apply to a court for a permanent order to protect you (you should consult a legal aid office, a prosecuting attorney, or a private attorney)."

"For example, the court can enter an order that prohibits the person who assaulted you from:

"(1) committing further acts of violence;

"(2) threatening, harassing, or contacting you or a member of your family or household; and

"(3) going near your place of employment or near a child care facility or school attended by you or a member of your family or household."

"You cannot be charged a fee by a court in connection with filing, serving, or entering a protective order."

"If you have questions about the status of your case or need assistance, you may contact the crime victim liaison (insert name) at our agency (law enforcement agency address and victim liaison phone number)."

"If you would like to speak with someone in the prosecuting attorney's office, you may reach their victim assistance coordinator at (address and phone number)."

"Call the following sexual assault program or social service organization if you need assistance or wish to speak with an advocate:

"_____."

"You may receive a sexual assault forensic medical examination at the following location(s):

"_____."

"To get help from the National Human Trafficking Hotline: 1-888-373-7888 or text HELP or INFO to BeFree (233733)."

(e) A sexual assault program may provide a written description of the program's services to a law enforcement agency, for use in delivering the written referral required by Subsection (b).

Applicability: Applies to a peace officer's investigation or response that occurs on or after the effective date of this Act.

Code of Criminal Procedure Art. 58.102. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM.

(a) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this subchapter must complete a pseudonym form developed under Subsection (b) and return the form to the law enforcement agency investigating the offense or to the office of the attorney representing the state prosecuting the offense.

(b) The Sexual Assault Prevention and Crisis Services Program of the office of the attorney general shall develop and distribute to all law enforcement agencies of the state and to each office of the attorney representing the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.

Code of Criminal Procedure Art. 58.103. VICTIM INFORMATION CONFIDENTIAL.

(a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating the offense or to the office of the attorney representing the state prosecuting the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.

(b) A law enforcement agency or an office of the attorney representing the state receiving a pseudonym form under Subsection (a) shall send a copy of the form to each other agency or office investigating or prosecuting the offense.

(c) A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except as provided by Subsection (b) or by [~~on an~~] order of a court. The court finding required by Article 58.104 is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

(d) A [(c) If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.102(a), the] law enforcement agency receiving the form or a copy of the form shall:

(1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession; and

(2) [~~notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and~~

[~~(3)~~] maintain the form in a manner that protects the confidentiality of the information contained on the form.

(e) An office of the attorney representing the state receiving the form or a copy of the form shall:

(1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the office's possession;

(2) maintain the form in a manner that protects the confidentiality of the information contained on the form; and

(3) [~~(d) An attorney representing the state who receives notice that a victim has elected to be designated by a pseudonym shall~~] ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense.

Commentary by: Kaci Sohrt
Source: SB 836
Applicability: On or after the effective date
Effective Date: September 1, 2025

Summary of Changes

Many victims of sexual assault do not report the offense. In part this is because of concerns over the loss of privacy as the case progresses through

the justice system. These changes are designed to create greater privacy and confidentiality protections for victims who do come forward.

Article 38.435, Code of Criminal Procedure, currently provides that evidence collected during a forensic exam for a sex offense is prohibited from being used to pursue a misdemeanor offense or drug offense against the victim from whom the evidence was collected. These changes further protect the victim by providing that any property or material from the exam, including visual images or recordings, may not be made available to the public and shall be placed under seal. The court is authorized to lift the seal if the court finds doing so is in the best interest of the public. Article 39.153, Code of Criminal Procedure, sets out discovery involving this material.

Article 38.451, Code of Criminal Procedure, currently prohibits the court from making public any material that contains a visual image of a child younger than 14 years of age in a hearing or proceeding involving the offense of invasive visual recording committed against a child younger than 14 years of age. This change removes the age limitation, making the protection applicable to all victims.

Newly created Article 39.152, Code of Criminal Procedure, creates a discovery process for evidence depicting invasive visual recording of a person 14 years of age or older. Discovery in the case of a child younger than 14 is controlled by already existing Article 39.151.

Section 51.17 (c), Family Code, makes Chapter 38 applicable to juvenile proceedings and makes discovery in criminal cases applicable to juvenile proceedings.

Article 58.103, Code of Criminal, allows pseudonym forms to be provided to the prosecutor in addition to the law enforcement agency investigating the offense and requires the recipient to share the form with the one that did not receive it. Like the law enforcement agency, the prosecutor must remove the victim's name, substitute the pseudonym, and keep the form in a manner that protects the confidentiality of the information. Section 51.17 (g) makes this article applicable to juvenile cases.

Article 56A.403, Code of Criminal Procedure, requires peace officers who investigate incidents involving sexual assault to provide the victim with information about rights under Article 56A.052. It has been expanded to include rights under Chapter 58, Code of Criminal Procedure, related to pseudonyms.

Section 21.014, Government Code, applies to criminal and civil court proceedings related to specific sex offenses as well as protective orders. A court is prohibited from allowing the electronic transmission or broadcasting of applicable court proceedings if evidence or testimony is offered that depicts or describes acts of a sexual nature unless the court gets consent from the victim or parent, prosecutor, and defendant.

Code of Criminal Procedure
SUBCHAPTER D. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF VICTIMS OF STALKING, INVASIVE VISUAL RECORDING, OR INDECENT ASSAULT

Code of Criminal Procedure
Art. 58.151. DEFINITION.

In this subchapter, "victim" means a person who is the subject of:

(1) an offense that allegedly constitutes:

(A) stalking under Section 42.072, Penal Code;

(B) invasive visual recording under Section 21.15, Penal Code; or

(C) indecent assault under Section 22.012, Penal Code; or

(2) an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense described by Subdivision (1) [~~under Section 42.072, Penal Code~~].

Commentary by: Kaci Sohrt
Source: SB 487
Effective Date: September 1, 2025
Applicability: On or after the effective date.

Summary of Changes

Chapter 58, Code of Criminal Procedure, provides for the confidentiality of information for victims of certain offenses, through the use of a pseudonym. Subchapter D currently applies to victims of the offense of stalking under 42.072, Penal Code. This law adds the offenses of invasive

visual recording and indecent assault to the eligible offenses.

Unfortunately, the Family Code does not appear to make this provision applicable in juvenile cases. Section 51.17, Family Code, provides that the Rules of Civil Procedure govern juvenile proceedings, generally. However, there are some exceptions to this, as made explicit in Title 3. The following portions of Chapter 58, Code of Criminal Procedure, are made applicable to juvenile proceedings per Section 51.17 (h): Articles 58.001, 58.101, 58.102, 58.103, 58.104, 58.105, and 58.106. Because this is Article 58.151, it is not applicable in juvenile proceedings.

Topic: Toxicological Evidence

Code of Criminal Procedure Art. 38.50. RETENTION AND PRESERVATION OF TOXICOLOGICAL EVIDENCE OF CERTAIN INTOXICATION OFFENSES.

(a) In this article, "toxicological evidence" means a blood or urine specimen that was collected as part of an investigation of an alleged offense under Chapter 49, Penal Code.

(b) This article applies to a governmental or public entity or an individual, including a law enforcement agency, prosecutor's office, or crime laboratory, that is charged with the collection, storage, preservation, analysis, or retrieval of toxicological evidence.

(c) An entity or individual described by Subsection (b) shall ensure that toxicological evidence collected pursuant to an investigation or prosecution of an offense under Chapter 49, Penal Code, is retained and preserved, as applicable:

(1) for the greater of two years or the period of the statute of limitations for the offense, if the indictment or information charging the defendant, or the petition in a juvenile proceeding, has not been presented or has been dismissed without prejudice;

(2) for the duration of a defendant's sentence or term of community supervision, as applicable, if the defendant is convicted or placed on community supervision, or for the duration of the commitment or supervision period applicable to the disposition of a juvenile adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision; or

(3) until the defendant is acquitted or the indictment or information is dismissed with prejudice, or, in a juvenile proceeding, until a hearing is held and the court does not find the child engaged in delinquent conduct or conduct indicating a need for supervision.

(c-1) A crime laboratory to which this article applies that is in possession of toxicological evidence shall annually:

(1) notify the prosecutor's office in the county in which the alleged offense occurred that the laboratory is in possession of toxicological evidence for an alleged offense that occurred in that county; and

(2) provide to the prosecutor's office the date on which the laboratory received the evidence.

(d) A person from whom toxicology evidence was collected and, if the person is a minor, the person's parent or guardian, shall be notified of the periods for which evidence may be retained and preserved under this article. The notice must be given by:

(1) an entity or individual described by Subsection (b) that collects the evidence, if the entity or individual collected the evidence directly from the person or collected it from a third party; or

(2) the court, if the records of the court show that the person was not given the notice described by Subdivision (1) and the toxicological evidence is subject to the retention period under Subsection (c)(2) or (3).

(e) The entity or individual charged with storing toxicological evidence may destroy the evidence on expiration of the applicable retention period:

(1) described by Subsection (c)(1); or

(2) described by Subsection (c)(2) or (c)(3), provided that:

(A) notice was given in accordance with this article; and

(B) if applicable, the prosecutor's office gives written approval for the destruction under Subsection (h).

(f) To the extent of any conflict between this article and Article 2A.155 or 38.43, this article controls.

(g) Notice given under this article must be given:

(1) in writing, as soon as practicable, by hand delivery, e-mail, or first-class [~~first class~~] mail to the person's last known e-mail or mailing address; or

(2) if applicable, orally and in writing on requesting the specimen under Section 724.015, Transportation Code.

(h) A prosecutor's office may require that an entity or individual charged with storing toxicological evidence seek written approval from the prosecutor's office before destroying toxicological evidence subject to the retention period under Subsection (c)(2) or (3) [~~(c)(3)~~] for cases in which the prosecutor's office presented the indictment, information, or petition. If a prosecutor's office does not provide a written denial of a request to destroy toxicological evidence before the 90th day after the date the request is made by hand delivery, certified mail, or e-mail to an address designated by the prosecutor's office, the entity or individual charged with storing the toxicological evidence may destroy the evidence if the retention period under Subsection (c)(2) or (3) for that evidence has expired.

Commentary by: Kaci Sohrt
Source: SB 1660
Effective Date: September 1, 2025
Applicability: Applies to evidence for which the appropriate retention and preservation period under Article 38.50, Code of Criminal Procedure, as amended by this Act, expires on or after the effective date of this Act. Evidence for which the appropriate retention and preservation period expired before the effective date of this Act is governed by the law in effect on the date of expiration of that period, and the former law is continued in effect for that purpose.

Summary of Changes

This law is designed to eliminate ambiguity with regard to when toxicological evidence in intoxication cases may be destroyed. The prosecutor currently is authorized to require an entity that is storing evidence to seek written approval before destroying the evidence. There is nothing to address what may happen if the prosecutor does not respond with regard to the request for approval. Now, if the prosecutor does not provide a written denial within 90 days, the entity storing the evidence is authorized to destroy it if the retention period has expired. Additionally, the crime lab is required to annually notify the prosecutor's office that it has evidence and the date on which it received the evidence

Topic: Warrants

Code of Criminal Procedure Art. 18.067. EXECUTION OF WARRANT FOR BLOOD SPECIMEN IN INTOXICATION OFFENSE.

Notwithstanding any other law, a warrant issued under Article 18.02(a)(10) to collect a blood specimen from a person suspected of committing an intoxication offense under Section 49.04, 49.045, 49.05, 49.06, 49.061, 49.065, 49.07, or 49.08, Penal Code, may be executed by any peace officer[~~:~~ [~~(1)~~] in any county adjacent to the county in which the warrant was issued[~~; and~~

[~~(2) by any law enforcement officer authorized to make an arrest in the county of execution~~].

Commentary by: Kaci Sohrt
Source: SB 1886
Effective Date: September 1, 2025
Applicability: Applies to a search warrant issued on or after the effective date. A search warrant issued before the effective date of this Act is governed by the law in effect on the date the warrant was issued, and the former law is continued in effect for that purpose.

Summary of Changes

Current law provides that a warrant issued to collect a blood specimen for an intoxication offense may be executed in any county adjacent to the county where the warrant was issued by any law enforcement officer authorized to make an arrest in the county where the warrant is executed. This limitation on the law enforcement officer's jurisdiction led to issues when one city's law enforcement agency contracted to provide service to another city's agency when the two cities were in different counties. The arresting officer would drive the arrested person to the neighboring county and then have to return to their own county to draft the warrant and get it signed by a magis-

trate. The arresting officer would then have to drive to the neighboring county to pick up the arrested person and transport that person to the officer's county to obtain the sample and then return the person back to the neighboring county. This change makes it clear that the peace officer's arrest jurisdiction does not control where the warrant may be executed. So now any peace officer may execute the warrant in any county adjacent to where the warrant was issued.

Topic: Jury Service Exemptions

Code of Criminal Procedure Art. 19A.105. EXCUSE AND EXEMPTION [~~EXCUSES~~] 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 claim an exemption [~~be excused~~] from grand jury service:

(1) a person who is 75 years of age or older [~~than 70 years of age~~];

(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.

Government Code Sec. 62.106. EXEMPTION FROM JURY SERVICE.

(a) A person qualified to serve as a petit juror may establish an exemption from jury service if the person:

(1) is [~~over~~] 75 years of age or older;

(2) has legal custody of a child younger than 12 years of age and the person's service on the jury requires leaving the child without adequate supervision;

(3) is a student of a public or private secondary school;

(4) is a person enrolled and in actual attendance at an institution of higher education;

(5) is an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;

(6) is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(5) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service;

(7) is the primary caretaker of a person who is unable to care for himself or herself;

(8) except as provided by Subsection (b), is summoned for service in a county with a population of at least 250,000 and the person has served as a petit juror in the county during the three-year period preceding the date the person is to appear for jury service; or

(9) is a member of the United States military forces serving on active duty and deployed to a location away from the person's home station and out of the person's county of residence.

Commentary by: Kaci Sohrt

Source: HB 2637 (only portions of the bill are included)

Effective Date: September 1, 2025

Applicability: Applies to a person summoned to appear for service on a grand jury or petit jury on or after the effective date.

Summary of Changes

The stated purpose of this bill is to make grand jury and jury exemptions consistent. Last session, the age-related exemption from petit jury service was changed from over 70 to over 75 years of age. The same change was not made for grand jury service. They now match up. Also added to grand jury service exemptions was a caveat that the exemption is only available to a person responsible for the care of a person younger than 18 years of age *if the child would be without adequate supervision if the person serves on the grand jury*. It bears noting that this differs from the exemption available for petit jury service, which is if the person is the legal guardian of a child younger than

12 years of age and the person's service on the jury requires leaving the child without adequate supervision.

Topic: Cybercrime

GOVERNMENT CODE CHAPTER 426. CYBERCRIMES

Government Code Sec. 426.001. DEFINITION.

In this chapter, "cybercrime" means an offense:

(1) under Chapter 31, 32, 33, 33A, 34, 35, 42, 71, 72, or 76, Penal Code; and

(2) that is committed using an Internet website or an electronic service account provided through an electronic communication service or remote computing service.

Government Code Sec. 426.002. ADMINISTRATIVE SUBPOENA.

(a) A prosecuting attorney may issue and cause to be served an administrative subpoena that requires the production of records or other documentation as described by Subsection (c) if:

(1) the subpoena relates to an investigation of a cybercrime; and

(2) there is reasonable cause to believe that the Internet or electronic service account provided through an electronic communication service or remote computing service has been used in the commission of a cybercrime.

(b) A subpoena under Subsection (a) must:

(1) describe any objects or items to be produced; and

(2) prescribe a reasonable return date by which those objects or items must be assembled and made available.

(c) Except as provided by Subsection (d), a subpoena issued under Subsection (a) may require the production of any records or other documentation relevant to the investigation, including:

(1) a name;

(2) an address;

(3) a local or long distance telephone connection record, satellite-based Internet service provider connection record, or record of session time and duration;

(4) the duration of the applicable service, including the start date for the service and the type of service used;

(5) a telephone or instrument number or other number used to identify a subscriber, including a temporarily assigned network address; and

(6) the source of payment for the service, including a credit card or bank account number.

(d) A provider of an electronic communication service or remote computing service may not disclose the following information in response to a subpoena issued under Subsection (a):

(1) an in-transit electronic communication;

(2) an account membership related to an Internet group, newsgroup, mailing list, or specific area of interest;

(3) an account password; or

(4) any account content, including:

(A) any form of electronic mail;

(B) an address book, contact list, or buddy list; or

(C) Internet proxy content or Internet history.

(e) A provider of an electronic communication service or remote computing service shall disclose the information described by Subsection (d) if that disclosure is required by court order or warrant, to the extent that the disclosure is not prohibited by other law.

(f) A person authorized to serve process under the Texas Rules of Civil Procedure may serve a subpoena issued under Subsection (a). The person shall serve the subpoena in accordance with the Texas Rules of Civil Procedure.

(g) Before the return date specified on a subpoena issued under Subsection (a), the person receiving the subpoena may, in an appropriate court located in the county where the subpoena was issued, petition for an order to modify or quash the subpoena or to prohibit disclosure of applicable information by a court.

(h) If a criminal case or proceeding does not result from the production of records or other documentation under this section within a reasona-

ble period, the prosecuting attorney shall, as appropriate:

(1) destroy the records or documentation; or

(2) return the records or documentation to the person who produced the records or documentation.

Government Code Sec. 426.003. CONFIDENTIALITY OF INFORMATION.

Any information, records, or data reported or obtained under a subpoena issued under Section 426.002(a):

(1) is confidential; and

(2) may not be disclosed to any other person unless the disclosure is made as part of a criminal case related to those materials.

Commentary by: Kaci Sohrt
Source: HB 3185
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

This new law allows a prosecutor to issue an administrative subpoena to require certain information be provided in order to investigate cybercrime. The information is confidential and may not be disclosed unless the disclosure is made as part of a related criminal case. If the criminal case or proceeding does not result from the production of records or other documentation under this statute within a reasonable period, the prosecutor must destroy the records or return them to the person who disclosed them.

Topic: Trafficking Prosecution

Civil Practice and Remedies Code Sec. 51.014(a). DUTY OF THE ATTORNEY GENERAL TO REPRESENT THE STATE IN PROSECUTION OF TRAFFICKING OF PERSONS.

(a) A person may appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that:

(1) appoints a receiver or trustee;

(2) overrules a motion to vacate an order that appoints a receiver or trustee;

(3) certifies or refuses to certify a class in a suit brought under Rule 42 of the Texas Rules of Civil Procedure;

(4) grants or refuses a temporary injunction or grants or overrules a motion to dissolve a temporary injunction as provided by Chapter 65;

(5) denies a motion for summary judgment that is based on an assertion of immunity by an individual who is an officer or employee of the state or a political subdivision of the state;

(6) denies a motion for summary judgment that is based in whole or in part upon a claim against or defense by a member of the electronic or print media, acting in such capacity, or a person whose communication appears in or is published by the electronic or print media, arising under the free speech or free press clause of the First Amendment to the United States Constitution, or Article I, Section 8, of the Texas Constitution, or Chapter 73;

(7) grants or denies the special appearance of a defendant under Rule 120a, Texas Rules of Civil Procedure, except in a suit brought under the Family Code;

(8) grants or denies a plea to the jurisdiction by a governmental unit as that term is defined in Section 101.001;

(9) denies all or part of the relief sought by a motion under Section 74.351(b), except that an appeal may not be taken from an order granting an extension under Section 74.351;

(10) grants relief sought by a motion under Section 74.351(l);

(11) denies a motion to dismiss filed under Section 90.007;

(12) denies a motion to dismiss filed under Section 27.003;

(13) denies a motion for summary judgment filed by an electric utility regarding liability in a suit subject to Section 75.0022;

(14) denies a motion filed by a municipality with a population of 500,000 or more in an action filed under Section 54.012(6) or 214.0012, Local Government Code;

(15) makes a preliminary determination on a claim under Section 74.353;

(16) overrules an objection filed under Section 148.003(d) or denies all or part of the relief sought by a motion under Section 148.003(f); [~~or~~]

(17) grants or denies a motion for summary judgment filed by a contractor based on Section 97.002; or

(18) grants or denies a motion filed under Section 402.103(d), Government Code.

GOVERNMENT CODE CHAPTER 402. SUBCHAPTER D. PROSECUTION OF TRAFFICKING OF PERSONS OFFENSE

Government Code Sec. 402.101. APPLICABILITY.

This subchapter applies to a criminal offense under Chapter 20A, Penal Code.

Government Code Sec. 402.102. PROVISION OF INFORMATION TO ATTORNEY GENERAL.

(a) A law enforcement agency that submits to a local prosecuting attorney a report stating there is probable cause to believe an identified person has committed a criminal offense described by Section 402.101 shall simultaneously submit a copy of that report to the attorney general.

(b) On request of the attorney general, a local prosecuting attorney or law enforcement agency shall provide all requested information that has not been made publicly available regarding investigations of a criminal offense described by Section 402.101 to assist the attorney general in performing duties required under this subchapter. The attorney general may submit a request under this subsection only if the attorney general is representing the state in the prosecution of the criminal offense pursuant to Section 402.103(a) or the local prosecuting attorney otherwise agrees to provision of the information under this subsection.

Government Code Sec. 402.103. PROSECUTION.

(a) Notwithstanding any other law, the attorney general has jurisdiction to prosecute and shall represent the state in the prosecution of a criminal offense described by Section 402.101 if:

(1) a law enforcement agency submits a report described by Section 402.102(a) to the local prosecuting attorney and the attorney general;

(2) 180 days have elapsed from the date the report was submitted; and

(3) the local prosecuting attorney has not taken prosecutorial action to prosecute the offense.

(b) If the prosecution of a criminal offense described by Section 402.101 is pending before a court and the attorney general has jurisdiction to prosecute the criminal offense under Subsection (a), the attorney general shall file with the court in which the prosecution is pending a notice of appearance to represent the state and provide to the local prosecuting attorney a copy of the notice.

(c) If the prosecution of a criminal offense described by Section 402.101 is not pending before a court and the attorney general has jurisdiction to prosecute the criminal offense under Subsection (a), the attorney general shall notify the local prosecuting attorney of the attorney general's intent to represent the state in the prosecution of the offense under Subsection (a).

(d) A local prosecuting attorney may file a motion in the court in which the prosecution of a criminal offense described by Section 402.101 is pending objecting to the attorney general's representation of the state in the prosecution of the offense. The court shall hold a hearing on the motion filed under this subsection not later than the 30th day after the date the motion is filed. In response to a motion filed under this subsection, the court shall:

(1) make a finding as to whether the local prosecuting attorney has taken prosecutorial action to prosecute the offense; and

(2) if the court finds the local prosecuting attorney has not taken prosecutorial action to prosecute the offense, issue an order stating the attorney general shall represent the state in the prosecution of the offense.

Penal Code Sec. 20A.05. PROSECUTION BY ATTORNEY GENERAL.

The attorney general has jurisdiction to prosecute and shall represent the state in the prosecution of an offense under this chapter as provided by Section 402.103, Government Code.

Commentary by: Kaci Sohrt
Source: HB 45
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

Law enforcement agencies that submit a report to a prosecutor indicating there is reason to believe a person has committed the offense of trafficking under Chapter 20A, Penal Code, must simultaneously submit the report to the attorney general. The attorney general has jurisdiction to prosecute the case if 180 days have elapsed since the report was submitted to the prosecutor and the prosecutor has not taken prosecutorial action to prosecute the case.

Topic: Concurrent Jurisdiction

Government Code Sec. 2204.104. AUTHORITY TO ACCEPT CONCURRENT JURISDICTION OF THIS STATE OVER UNITED STATES MILITARY INSTALLATIONS.

(a) In this section:

(1) "Political subdivision" includes a municipality, county, or any special-purpose district or authority. The term includes a school district.

(2) "State agency" means a state agency in any branch of state government.

(3) "Status offense" means conduct that a child commits that would not, under state law, be an offense if committed by an adult.

(b) On written application of an authorized representative of the United States to the governor, the governor, in the name and on behalf of this state, may accept the establishment of concurrent jurisdiction of this state with the United States over land in this state owned or acquired by the United States under this subchapter for a military purpose authorized by Section 2204.101. An application may seek full or partial concurrent jurisdiction, and the proposal may include land where no federal jurisdiction exists or land where this state previously ceded jurisdiction to the United States.

(c) The application under Subsection (b) must:

(1) state the name and position of the authorized representative and identify the federal law authorizing the representative to bind the United States in transactions involving the jurisdiction of the United States;

(2) subject to Subdivision (3), state each subject matter over which concurrent jurisdiction is being established;

(3) if the application is submitted for the purpose of establishing concurrent jurisdiction over juvenile delinquency and status offenses, expressly state that purpose;

(4) be accompanied by proper evidence of the ownership or acquisition of the land; and

(5) include or have attached an accurate description by metes and bounds of the land that is the subject of the application.

(d) The governor's acceptance under this section must:

(1) be written;

(2) specify each element of the application that the governor accepts, including each subject matter over which concurrent jurisdiction is being established; and

(3) include a procedure allowing for the termination of the concurrent jurisdiction that is the subject of the application.

(e) The governor may negotiate with the applicant the specific details regarding the termination procedure required by Subsection (d)(3).

(f) The establishment of concurrent jurisdiction under this section takes effect on the date on which the governor files the following documents for recording with the secretary of state:

(1) the application received under Subsection (b), including the metes and bounds of the land; and

(2) the governor's written acceptance under Subsection (d).

(g) After recording the documents filed under Subsection (f), the secretary of state shall:

(1) provide a certified copy of the documents to the authorized representative who applied under Subsection (b); and

(2) file the documents for recording with each county clerk of the county in which the land

that is the subject of the application or notice is located.

(h) On the establishment of concurrent jurisdiction over land under this section, a state agency or political subdivision may enter into a memorandum of understanding with any officer or agency of the United States for the purpose of coordinating and assigning duties with respect to the concurrent jurisdiction.

(i) Any establishment of concurrent jurisdiction under this section must include, at minimum, the concurrent jurisdiction retained under Section 2204.103.

(j) A state agency, a political subdivision of this state, and any officer, employee, or agent of the state agency or political subdivision is not liable for acts or omissions occurring on land over which concurrent jurisdiction is established under this section.

Government Code Sec. 2204.103. CESSION OF JURISDICTION TO UNITED STATES; RETENTION OF AUTHORITY TO EXECUTE LEGAL PROCESS.

(a) On written application of the United States to the governor, the governor, in the name and on behalf of this state, may cede to the United States exclusive jurisdiction, subject to Subsection (c), over land acquired by the United States under this subchapter over which the United States desires to acquire constitutional jurisdiction for a purpose provided by Section 2204.101.

(b) An application for cession must be:

(1) accompanied by proper evidence of the acquisition of the land;

(2) authenticated and recorded; and

(3) include or have attached an accurate description by metes and bounds of the land for which cession is sought.

(c) A cession of jurisdiction may not be made under this section except on the express condition, which must be included in the instrument of cession, that this state retains concurrent jurisdiction with the United States over every portion of the land ceded so that all civil or criminal process issued under the authority of this state or a court or judicial officer of this state may be executed by the proper officers of this state on any person amenable to service of process within the limits of the land to be ceded, in the same manner and to the same effect as if the cession had not occurred.

Commentary by: Kaci Sohrt
Source: SB 1271
Effective Date: May 27, 2025
Applicability: On or after the effective date

Summary of Changes

This statute gives the state, on the request of the federal government to the governor, to accept the establishment of concurrent jurisdiction with the United States over military land owned or acquired by the United States. The application may seek full or partial concurrent jurisdiction and may include land where no federal jurisdiction exists or land where Texas previously ceded jurisdiction to the U.S. The statute sets out the application requirements, one of which is that it must expressly state if it is submitted for the purpose of establishing concurrent jurisdiction over juvenile delinquency or status offenses (note: there is no explanation for the use of status offense as opposed to conduct indicating a need for supervision). There are no changes related to the cession of jurisdiction to the United States other than the heading of the section.

Topic: Mental Health

Health and Safety Code Sec. 573.001. APPREHENSION BY PEACE OFFICER WITHOUT WARRANT.

(a) A peace officer, without a warrant, may take a person into custody, regardless of the age of the person, if the officer[~~: (1)~~] has reason to believe and does believe that:

(1) [~~(A)~~] the person is a person with mental illness[~~;~~] and [~~(B)~~] because of that mental illness:

(A) there is a substantial risk of serious harm to the person or to others [~~unless the person is immediately restrained~~];

(B) the person evidences severe emotional distress and deterioration in the person's mental condition; or

(C) the person evidences an inability to recognize symptoms or appreciate the risks and benefits of treatment; [~~and~~]

(2) the person is likely without immediate detention to suffer serious risk of harm or to inflict serious harm on another person; and

(3) [~~believes that~~] there is not sufficient time to obtain a warrant before taking the person into custody.

[~~(b) A substantial risk of serious harm to the person or others under Subsection (a)(1)(B) may be demonstrated by:~~

~~(1) the person's behavior; or~~

~~(2) evidence of severe emotional distress and deterioration in the person's mental condition to the extent that the person cannot remain at liberty.~~]

(c) The peace officer may form the belief that the person meets the criteria for apprehension:

(1) from a representation of a credible person; or

(2) on the basis of the conduct of the apprehended person or the circumstances under which the apprehended person is found.

(d) A peace officer who takes a person into custody under Subsection (a) shall immediately:

(1) transport the apprehended person to:

(A) the nearest appropriate inpatient mental health facility; or

(B) a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available; or

(2) transfer the apprehended person to emergency medical services personnel of an emergency medical services provider in accordance with a memorandum of understanding executed under Section 573.005 for transport to a facility described by Subdivision (1)(A) or (B).

(e) A jail or similar detention facility may not be deemed suitable except in an extreme emergency.

(f) A person detained in a jail or a nonmedical facility shall be kept separate from any person who is charged with or convicted of a crime.

(g) A peace officer who takes a person into custody under Subsection (a) shall immediately inform the person orally in simple, nontechnical terms:

(1) of the reason for the detention; and

(2) that a staff member of the facility will inform the person of the person's rights within 24 hours after the time the person is admitted to a facility, as provided by Section 573.025(b).

(h) A peace officer who takes a person into custody under Subsection (a) may immediately seize any firearm found in possession of the person. After seizing a firearm under this subsection, the peace officer shall comply with the requirements of Article 18.191, Code of Criminal Procedure.

Health and Safety Code Sec. 573.002. PEACE OFFICER'S NOTIFICATION OF EMERGENCY DETENTION.

(a) A peace officer shall immediately file with a facility a notification of emergency detention after transporting a person to that facility in accordance with Section 573.001. Emergency medical services personnel of an emergency medical services provider who transport a person to a facility at the request of a peace officer made in accordance with a memorandum of understanding executed under Section 573.005 shall immediately file with the facility the notification of emergency detention completed by the peace officer who made the request.

(b) The notification of emergency detention must contain:

(1) a statement that the officer has reason to believe and does believe that the person evidences mental illness;

(2) a statement that the officer has reason to believe and does believe that the person evidences a substantial risk of serious harm to the person or others;

(3) [~~a specific description of the risk of harm; (4)~~] a statement that the officer has reason to believe and does believe that the risk of harm is imminent unless the person is immediately restrained;

(4) [~~(5)~~] a statement that the officer's beliefs are derived from specific recent behavior, overt acts, attempts, or threats that were observed by or reliably reported to the officer;

(5) [~~(6)~~] a detailed description of the specific behavior, acts, attempts, or threats; and

(6) [~~(7)~~] the name and relationship to the apprehended person of any person who reported

or observed the behavior, acts, attempts, or threats.

(c) The facility where the person is detained shall include in the detained person's clinical file the notification of emergency detention described by this section. (d) The peace officer shall provide the notification of emergency detention in substantially [~~on~~] the following form:

Notification--Emergency Detention NO._____

DATE:_____ TIME:_____

THE STATE OF TEXAS

FOR THE BEST INTEREST AND PROTECTION OF:_____

DOB:_____ RACE:_____ GENDER:_____

PHONE NUMBER:_____ ADDRESS:_____

NOTIFICATION OF EMERGENCY DETENTION

Now comes _____, a peace officer with (name of agency) _____, of the State of Texas, and states as follows:

□ [~~1.~~] I have reason to believe and do believe that (name of person to be detained) _____ evidences mental illness;[~~.~~]

□ [~~2.~~] I have reason to believe and do believe that the above-named person evidences a substantial risk of serious harm to himself/herself or others based on the person's behavior or evidence the person is experiencing severe emotional distress and deterioration to the extent the person cannot remain at liberty; and [~~upon the following:~~

[_____]

□ [~~3.~~] I have reason to believe and do believe that the [~~above~~] risk of harm is imminent unless the above-named person is immediately restrained.

1. [~~4.~~] My above-stated beliefs are based upon the following recent behavior, severe emotional distress and deterioration, overt acts, attempts, statements, or threats observed by me or reliably reported to me (may use attachments to report additional information):

_____

2. [~~5.~~] The names, addresses, phone numbers, and relationship to the above-named person of those persons who reported or observed recent behavior, acts, attempts, statements, or threats of the above-named person are (if applicable):

_____

ADULT 65 YEARS OF AGE OR OLDER? □ YES □ NO If yes, age: _____

CHILD 17 YEARS OF AGE OR YOUNGER? □ YES □ NO If yes, age: _____

FOR A CHILD 17 YEARS OF AGE OR YOUNGER (if yes):

My belief the child is at risk of imminent serious harm unless immediately removed from the parents' custody is based on the above-stated facts showing the parents or guardians are presently unable to protect the child from imminent serious harm.

□ I provided notice to the child's parents or guardians of my intention to file this notification.

□ I was not able to provide notice to the child's parents or guardians of my intention to file this notification because: _____

Parent/Guardian Contact Information: _____

USE OF RESTRAINT

Was the person physically restrained in any way? Yes □ No □

If yes, reason for physical restraint? □ Officer Safety

□ Person's Safety □ Other _____

CALL ORIGINATED AT:

□ Public Area □ Residence □ School/University □ Group Home □ Hospital □ Other_____

OBSERVATIONS/HISTORY

If YES to any question below, provide additional information:

	YES	NO	UNKNOWN	NOTES
Harm to self or stating an intention to harm self?				
Previous attempt to commit suicide?				
Harm to others or stating an intention to harm others?				
Previous serious harm or injury to others?				
Previous psychiatric hospital treatment?				
Reported mental health diagnosis?				
Prescribed psychiatric medications?				
Current psychiatric medications taken?				
Sleeping difficulty?				
Substance use disorder?				

TRANSPORTED TO:

□ Hospital/Emergency Room □ Mental Health Facility

□ Other _____

For the above reasons, I present this notification to seek temporary admission to the (name of facility) _____ inpatient mental health facility or hospital facility for the detention of (name of person to be detained) _____ on an emergency basis.

[6. Was the person restrained in any way? Yes □ No □]

PEACE OFFICER'S PRINTED NAME: _____

BADGE NO. _____

PEACE OFFICER'S SIGNATURE _____

Address: _____ Zip Code: _____ Telephone: _____

SIGNATURE OF EMERGENCY MEDICAL SERVICES PERSONNEL (if applicable)

PRINTED NAME OF PERSONNEL: _____

Address: _____ Zip Code: _____

Telephone: _____

A mental health facility or hospital emergency department may not require a peace officer or emergency medical services personnel to execute any form other than this form as a predicate to accepting for temporary admission a person detained by a peace officer under Section 573.001, Health and Safety Code[~~, and transported by the officer under that section or by emergency medical services personnel of an emergency medical services provider at the request of the officer made in accordance with a memorandum of understanding executed under Section 573.005, Health and Safety Code~~].

(e) A mental health facility or hospital emergency department may not require a peace officer or emergency medical services personnel to execute any form other than the form provided by Subsection (d) as a predicate to accepting for temporary admission a person detained by a peace officer under Section 573.001 and transported by the officer under that section or by emergency medical services personnel of an emergency medical services provider at the request of the officer made in accordance with a memorandum of understanding executed under Section 573.005.

(f) A peace officer who transports an apprehended person to a facility under Section 573.001(d)(1) or emergency medical services personnel of an emergency medical services provider who transports a person to a facility under Section 573.001(d)(2):

(1) is not required to remain at the facility while the apprehended person is medically screened or treated or while the person's insurance coverage is verified; and

(2) may leave the facility immediately after:

(A) the person is taken into custody by appropriate facility staff; and

(B) the notification of emergency detention required by this section is provided to the facility.

Health and Safety Code Sec. 573.003. TRANSPORTATION FOR EMERGENCY DETENTION BY GUARDIAN.

(a) A guardian of the person of a ward who is 18 years of age or older, without the assistance of a peace officer, may transport the ward to an inpatient mental health facility for a preliminary examination in accordance with Section 573.021 if the guardian has reason to believe and does believe that:

(1) the ward is a person with mental illness[~~,~~] and ~~(2)~~] because of that mental illness:

(A) there is a substantial risk of serious harm to the ward or to others;

(B) the ward evidences severe emotional distress and deterioration in the ward's mental condition; or

(C) the ward evidences an inability to recognize symptoms or appreciate the risks and benefits of treatment; and

(2) the ward is likely without immediate detention to suffer serious risk of harm or to inflict serious harm on another person [~~unless the ward is immediately restrained~~].

[~~(b) A substantial risk of serious harm to the ward or others under Subsection (a)(2) may be demonstrated by:~~

~~(1) the ward's behavior; or~~

~~(2) evidence of severe emotional distress and deterioration in the ward's mental condition to the extent that the ward cannot remain at liberty.~~]

Health and Safety Code Sec. 573.012. ISSUANCE OF WARRANT.

(a) Except as provided by Subsection (h), an applicant for emergency detention must present the application personally to a judge or magistrate. The judge or magistrate shall examine the application and may interview the applicant. Except as provided by Subsections (g) and (h), the judge of a court with probate jurisdiction by administrative order may provide that the application must be:

(1) presented personally to the court; or

(2) retained by court staff and presented to another judge or magistrate as soon as is practicable if the judge of the court is not available at the time the application is presented.

(b) The magistrate shall deny the application unless the magistrate finds that there is reasonable cause to believe that:

(1) the person evidences mental illness and because of that mental illness[~~;(2)~~] the person evidences:

(A) a substantial risk of serious harm to himself or others;

(B) severe emotional distress and deterioration in the person's mental condition; or

(C) an inability to recognize symptoms or appreciate the risks and benefits of treatment;

(2) the person is likely without immediate detention to suffer serious risk of harm or to inflict serious harm on another person;

(3) the risk of harm is imminent unless the person is immediately restrained; and

(4) the necessary restraint cannot be accomplished without emergency detention.

[~~(c) A substantial risk of serious harm to the person or others under Subsection (b)(2) may be demonstrated by:~~

~~(1) the person's behavior; or~~

~~(2) evidence of severe emotional distress and deterioration in the person's mental condition to the extent that the person cannot remain at liberty.~~]

Health and Safety Code Sec. 573.022. EMERGENCY ADMISSION AND DETENTION.

(a) A person may be admitted to a facility for emergency detention only if the physician who conducted the preliminary examination of the person makes a written statement that:

(1) is acceptable to the facility;

(2) states [~~that~~] after a preliminary examination it is the physician's opinion that:

(A) the person is a person with mental illness and because of that mental illness[~~;(B)~~] the person evidences:

(i) a substantial risk of serious harm to the person or to others;

(ii) severe emotional distress and deterioration in the person's mental condition; or

(iii) an inability to recognize symptoms or appreciate the risks and benefits of treatment;

(B) [~~(C)~~] the described risk of harm is imminent unless the person is immediately restrained; and

(C) [~~(D)~~] emergency detention is the least restrictive means by which the necessary restraint may be accomplished; and

(3) includes:

(A) a description of the nature of the person's mental illness;

(B) a specific description of the risk of harm the person evidences [~~that may be demonstrated either by the person's behavior or by evidence of severe emotional distress and deterioration in the person's mental condition~~] to the extent that the person cannot remain at liberty; and

(C) the specific detailed information from which the physician formed the opinion in Subdivision (2).

(b) A mental health facility that has admitted a person for emergency detention under this section may transport the person to a mental health facility deemed suitable by the local mental health authority for the area. On the request of the local mental health authority, the judge may order that the proposed patient be detained in a department mental health facility.

(c) A facility that has admitted a person for emergency detention under Subsection (a) or to which a person has been transported under Subsection (b) may transfer the person to an appropriate mental hospital with the written consent of the hospital administrator.

Health and Safety Code Sec. 574.001. APPLICATION FOR COURT-ORDERED MENTAL HEALTH SERVICES.

(b) Except as provided by Subsection (f), the application must be filed with the county clerk in the county in which the proposed patient:

(1) resides;

(2) is located at the time the application is filed [~~is found~~]; [~~or~~]

(3) was apprehended under Chapter 573; or

(4) is receiving mental health services by court order or under Subchapter A, Chapter 573.

(f) An application in which the proposed patient is a child in the custody of the Texas Juvenile Justice Department may be filed in the county in which the child's commitment to the Texas Juvenile Justice Department was ordered.

Health and Safety Code Sec. 574.011. CERTIFICATE OF MEDICAL EXAMINATION FOR MENTAL ILLNESS.

(a) A certificate of medical examination for mental illness must be sworn to, dated, and signed by

the examining physician. The certificate must include:

(1) the name and address of the examining physician;

(2) the name and address of the person examined;

(3) the date and place of the examination;

(4) a brief diagnosis of the examined person's physical and mental condition;

(5) the period, if any, during which the examined person has been under the care of the examining physician;

(6) an accurate description of the mental health treatment, if any, given by or administered under the direction of the examining physician; and

(7) the examining physician's opinion that:

(A) the examined person is a person with mental illness[~~;~~] and [~~(B)~~] as a result of that illness the examined person is:

(i) likely to cause serious harm to the person or to others; [~~or is:~~]

(ii) [~~(i)~~] suffering severe and abnormal mental, emotional, or physical distress;

(iii) [~~(ii)~~] experiencing substantial mental or physical deterioration of the proposed patient's ability to function independently, which is exhibited by the proposed patient's inability, except for reasons of indigence, to provide for the proposed patient's basic needs, including food, clothing, health, or safety; [~~and~~]

(iv) [~~(iii)~~] not able to make a rational and informed decision as to whether to submit to treatment; or

(v) evidencing an inability to recognize symptoms or appreciate the risks and benefits of treatment; and

(B) in the absence of inpatient mental health treatment, the examined person is likely to suffer serious risk of harm or to inflict serious harm on another person.

(b) The examining physician must specify in the certificate which criterion listed in Subsection (a)(7) [~~(a)(7)(B)~~] forms the basis for the physician's opinion.

(c) If the certificate is offered in support of an application for extended mental health services, the certificate must also include the examining physician's opinion that the examined person's condition is expected to continue for more than 90 days.

(d) If the certificate is offered in support of a motion for a protective custody order, the certificate must also include the examining physician's opinion that the examined person presents a substantial risk of serious harm to himself or others if not immediately restrained. The harm may be demonstrated by the examined person's behavior or by evidence of severe emotional distress and deterioration in the examined person's mental condition to the extent that the examined person cannot remain at liberty.

(e) The certificate must include the detailed reason for each of the examining physician's opinions under this section.

Health and Safety Code Sec. 574.034. ORDER FOR TEMPORARY INPATIENT MENTAL HEALTH SERVICES.

(a) The judge may order a proposed patient to receive court-ordered temporary inpatient mental health services only if the judge or jury finds, from clear and convincing evidence, that:

(1) the proposed patient is a person with mental illness; and

(2) as a result of that mental illness the proposed patient:

(A) is likely to cause serious harm to the proposed patient;

(B) is likely to cause serious harm to others; [~~or~~]

(C) is:

(i) suffering severe and abnormal mental, emotional, or physical distress;

(ii) experiencing substantial mental or physical deterioration of the proposed patient's ability to function independently, which is exhibited by the proposed patient's inability, except for reasons of indigence, to provide for the proposed patient's basic needs, including food, clothing, health, or safety; [~~and~~]

(iii) unable to make a rational and informed decision as to whether or not to submit to treatment; or

(iv) evidencing an inability to recognize symptoms or to appreciate the risks and benefits of treatment; and

(D) in the absence of court-ordered temporary inpatient mental health services, is likely to suffer serious risk of harm or to inflict serious harm on another person.

(c) If the judge or jury finds that the proposed patient meets the commitment criteria prescribed by Subsection (a), the judge or jury must specify which criterion listed in Subsection (a)(2) forms the basis for the decision.

(d) To be clear and convincing under Subsection (a), the evidence must include expert testimony and, unless waived, evidence of a recent overt act or a continuing pattern of behavior that tends to confirm:

(1) the likelihood of serious harm to the proposed patient or others and [~~; or~~

[~~(2)~~] the proposed patient's distress and the deterioration of the proposed patient's ability to function; or

(2) the proposed patient's inability to recognize symptoms or appreciate the risks and benefits of treatment.

(g) An order for temporary inpatient mental health services shall provide for a period of treatment not to exceed 45 days, except that the order may specify a period not to exceed 90 days if the judge finds that the longer period is necessary.

(h) A judge may not issue an order for temporary inpatient mental health services for a proposed patient who is charged with a criminal offense that involves an act, attempt, or threat of serious bodily injury to another person.

Health and Safety Code Sec. 574.035. ORDER FOR EXTENDED INPATIENT MENTAL HEALTH SERVICES.

(a) The judge may order a proposed patient to receive court-ordered extended inpatient mental health services only if the jury, or the judge if the right to a jury is waived, finds, from clear and convincing evidence, that:

(1) the proposed patient is a person with mental illness;

(2) as a result of that mental illness the proposed patient:

(A) is likely to cause serious harm to the proposed patient;

(B) is likely to cause serious harm to others; [~~or~~]

(C) is:

(i) suffering severe and abnormal mental, emotional, or physical distress;

(ii) experiencing substantial mental or physical deterioration of the proposed patient's ability to function independently, which is exhibited by the proposed patient's inability, except for reasons of indigence, to provide for the proposed patient's basic needs, including food, clothing, health, or safety; [~~and~~]

(iii) unable to make a rational and informed decision as to whether or not to submit to treatment; or

(iv) evidencing an inability to recognize symptoms or appreciate the risks and benefits of treatment; and

(D) in the absence of court-ordered extended inpatient mental health services, is likely to suffer serious risk of harm or to inflict serious harm on another person;

(3) the proposed patient's condition is expected to continue for more than 90 days; and

(4) the proposed patient has received court-ordered inpatient mental health services under this subtitle or under Chapter 46B, Code of Criminal Procedure, for at least 60 consecutive days during the preceding 12 months.

(c) If the jury or judge finds that the proposed patient meets the commitment criteria prescribed by Subsection (a), the jury or judge must specify which criterion listed in Subsection (a)(2) forms the basis for the decision.

(d) The jury or judge is not required to make the finding under Subsection (a)(4) if the proposed patient has already been subject to an order for extended mental health services.

(e) To be clear and convincing under Subsection (a), the evidence must include expert testimony

and evidence of a recent overt act or a continuing pattern of behavior that tends to confirm:

(1) the likelihood of serious harm to the proposed patient or others and [~~; or (2)~~] the proposed patient's distress and the deterioration of the proposed patient's ability to function; or

(2) the proposed patient's inability to recognize symptoms or appreciate the risks and benefits of treatment.

(h) An order for extended inpatient mental health services must provide for a period of treatment not to exceed 12 months.

(i) A judge may not issue an order for extended inpatient mental health services for a proposed patient who is charged with a criminal offense that involves an act, attempt, or threat of serious bodily injury to another person.

Health and Safety Code Sec. 574.064. APPREHENSION AND RELEASE UNDER TEMPORARY DETENTION ORDER.

(a) A temporary detention order shall direct a peace officer or other designated person to take the patient into custody and transport the patient immediately to:

(1) the nearest appropriate inpatient mental health facility; or

(2) a mental health facility deemed suitable by the local mental health authority for the area, if an appropriate inpatient mental health facility is not available.

(a-1) A physician shall evaluate the patient as soon as possible within 24 hours after the time detention begins to determine whether the patient, due to mental illness:

(1) [~~,~~] presents a substantial risk of serious harm to the patient or others;

(2) evidences severe emotional distress and deterioration in the person's mental condition;

(3) evidences an inability to recognize symptoms or appreciate the risks and benefits of treatment; and

(4) is likely without immediate detention to suffer serious risk of harm or to inflict serious harm on another person to the extent [~~so~~] that the patient cannot be at liberty pending the probable cause hearing under Subsection (b). [~~The determination that the patient presents a substantial risk of serious harm to the patient or others may be demonstrated by: (1) the patient's behavior; or (2) evidence of severe emotional distress and deterioration in the patient's mental condition to the extent that the patient cannot live safely in the community.~~]

(b) A patient who is not released under Subsection (a-2) may be detained under a temporary detention order for more than 72 hours, excluding Saturdays, Sundays, legal holidays, and the period prescribed by Section 574.025(b) for an extreme emergency only if, after a hearing held before the expiration of that period, the court, a magistrate, or a designated associate judge finds that there is probable cause to believe that:

(1) the patient, due to mental illness, presents a substantial risk of serious harm to the patient or others, using the criteria prescribed by Subsection (a-1), to the extent that the patient cannot be at liberty pending the final hearing under Section 574.062; and

(2) detention in an inpatient mental health facility is necessary to evaluate the appropriate setting for continued court-ordered services.

(c) If probable cause is found under Subsection (b), the patient may be detained under the temporary detention until the hearing set under Section 574.062 is completed.

(d) A facility administrator shall immediately release a patient held under a temporary detention order if the facility administrator does not receive notice that the patient's continued detention is authorized:

(1) after a probable cause hearing held within 72 hours after the patient's detention begins; or

(2) after a modification hearing held within the period prescribed by Section 574.062.

(e) A patient released from an inpatient mental health facility under Subsection (a-2) or (d) continues to be subject to the order for court-ordered outpatient services, if the order has not expired.

(f) A person detained under this section may not be detained in a nonmedical facility used to detain persons charged with or convicted of a crime.

Commentary by: Kaci Sohrt
Source: SB 1164
Effective Date: September 1, 2025
Applicability: Chapter 573, Health and Safety Code, as amended by this Act, applies only to an emergency detention that begins on or after the effective date of this Act. An emergency detention that begins before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose. Chapter 574, Health and Safety Code, as amended by this Act, applies only to an application or proceeding for court-ordered mental health services submitted or that occurs on or after the effective date of this Act, regardless of when an offense with which the defendant is charged was committed.

Summary of Changes

This law makes changes related to the ability to have a person temporarily placed for inpatient mental health treatment. A peace officer currently has authority to take a person into custody without a warrant if the peace officer has reason to believe the person has a mental illness and, because of the mental illness, there is a substantial risk of harm to the person or others and there is not sufficient time to obtain a warrant before taking the person into custody. With this change, the officer may also take the person into custody if the person evidences severe emotional distress and deterioration or the person evidences an inability to recognize symptoms or appreciate the risks and benefits of treatment. Regardless of which of those factors the officer relies upon, the officer must believe the person is likely to suffer serious risk of harm or inflict serious harm on another person if not immediately detained. The same criteria have been updated for the guardian of a person who is 18 or older and for the physician who is conducting the preliminary review for admission for emergency detention.

The emergency detention notification form has been updated. In addition, the law now specifies that the peace officer is not required to remain at the facility while the person is medically screened or treated or while the insurance coverage is verified but is free to leave after the appropriate facility staff have taken custody of the person and the emergency detention notification has been provided to the facility.

An application for court-ordered inpatient treatment may currently be filed in the county where the proposed patient resides. This updates that to include the county where the person is located at the time the application is filed and the county where the person was apprehended under chapter 573.

The criteria that a court must find to order inpatient mental health treatment has been changed. Currently the court must find the person is a person with mental illness and, as a result of that illness, the person is likely to cause serious harm to the person or has all of the following: 1) is suffering severe and abnormal mental, emotional, or physical distress; 2) is experiencing a substantial mental or physical deterioration of the person's ability to function independently; and 3) is not able to make a rational and informed decision as to whether to submit to treatment. This statute decouples those three things by changing the "and" to an "or," meaning only one of those findings must be made. It also adds that the finding may be based on a person evidencing an inability to recognize symptoms or appreciate the risks and benefits of treatment. In addition to finding one of the now five enumerated criteria, the court must also find that, in the absence of inpatient mental health treatment, the examined person is likely to suffer serious risk of harm or to inflict serious harm on another person. There are corresponding updates related to the physician's findings.

It bears noting that these changes were not made to Chapter 55, Family Code. Prior to last session, Chapter 55, Family Code, did not include a listing of criteria and instead referred to these chapters. This ensured that when changes were made, there would not be a conflict. Because of the change last session and the fact that Chapter 55 was not included in this bill, there is now a conflict in the criteria for inpatient treatment between a person in the juvenile justice system and another person. This conflict is further complicated by the fact that Chapter 55 does refer to procedures in the chapters impacted by this bill. The practical impact of this conflict is yet to be seen.

Topic: Statute of Limitations – Trafficking

Code of Criminal Procedure 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; [~~or~~]

(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) [~~(J)~~] interference with child custody under Section 25.03(a)(3), Penal Code;

(L) [~~(J)~~] 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 (9) [~~(8)~~];

(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;

(3) seven years from the date of the commission of the offense:

(A) misapplication of fiduciary property or property of a financial institution;

(B) fraudulent securing of document execution;

(C) a felony violation under Chapter 162, Tax Code;

(D) false statement to obtain property or credit under Section 32.32, Penal Code;

(E) money laundering;

(F) credit card or debit card abuse under Section 32.31, Penal Code;

(G) fraudulent use or possession of identifying information under Section 32.51, Penal Code;

(H) exploitation of a child, elderly individual, or disabled individual under Section 32.53, Penal Code;

(I) health care fraud under Section 35A.02, Penal Code;

(J) bigamy under Section 25.01, Penal Code, except as provided by Subdivision (7); or

(K) 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) [~~(B-1)~~] except as provided by Subdivision (1) or (5), burglary;

(D) [~~(C)~~] injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;

(E) [~~(D)~~] abandoning or endangering an [~~a child,~~] elderly [~~individual,~~] or disabled individual;

(F) [~~(E)~~] insurance fraud;

(G) [~~(F)~~] 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) [~~(G)~~] continuous violence against the family under Section 25.11, Penal Code; or

(I) [~~(H)~~] 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) [~~(1)(J)~~], 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 [~~persons~~] 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) [~~(D)~~] abandoning or endangering a child;

(8) [~~(7)~~] 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) [~~(8)~~] 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

(10) [~~(9)~~] three years from the date of the commission of the offense: all other felonies.

Commentary by: Chelsey Oden
Source: HB 1778
Effective Date: September 1, 2025
Applicability: Applies to a criminal proceeding that commences on or after the effective date

Summary of Changes

This bill eliminates the statute of limitations for prosecution under Section 38.17 of the Penal Code, which addresses the failure to stop or report a sexual or assaultive offense committed against a child, and Section 43.032, which pertains to the continuous promotion of prostitution.

Topic: Statute of Limitations – Fraud Offenses

Code of Criminal Procedure
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; [~~or~~]

(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) [~~(J)~~] interference with child custody under Section 25.03(a)(3), Penal Code; or

(L) [~~(J)~~] 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 in-

tent 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;

(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 (9) [~~(8)~~];

(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;

(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) [~~misapplication of fiduciary property or property of a financial institution~~];

(B) [~~fraudulent securing of document execution;~~

[~~(C)~~] a felony violation under Chapter 162, Tax Code;

[~~(D) false statement to obtain property or credit under Section 32.32, Penal Code;~~]

(C) [~~(E)~~] money laundering;

[~~(F) credit card or debit card abuse under Section 32.31, Penal Code;~~

[~~(G) fraudulent use or possession of identifying information under Section 32.51, Penal Code;~~

[~~(H) exploitation of a child, elderly individual, or disabled individual under Section 32.53, Penal Code;~~]

(D) [~~(I)~~] health care fraud under Section 35A.02, Penal Code;

(E) [~~(J)~~] bigamy under Section 25.01, Penal Code, except as provided by Subdivision (7); or

(F) [~~(K)~~] 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) [~~(B-1)~~] except as provided by Subdivision (1) or (5), burglary;

(D) [~~(C)~~] injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;

(E) [~~(D)~~] abandoning or endangering an [~~a child,~~] elderly [~~individual,~~] or disabled individual;

(F) [~~(E)~~] insurance fraud;

(G) [~~(F)~~] 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) [~~(G)~~] continuous violence against the family under Section 25.11, Penal Code; or

(I) [~~(H)~~] 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) [~~(1)(J)~~], 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 [~~persons~~] 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) [~~(D)~~] abandoning or endangering a child;

(8) [~~(7)~~] 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) [~~(8)~~] 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

(10) [~~(9)~~] three years from the date of the commission of the offense: all other felonies.

Commentary by: Chelsey Oden
Source: SB 2798
Effective Date: September 1, 2025
Applicability: Applies to a criminal proceeding that commences on or after the effective date

Summary of Changes

This bill extends the statute of limitations for most fraud offenses to seven years from the date the offense was committed. However, an exception is made for forgery or the uttering, using, or passing of forged instruments, will continue to carry a 10-year statute of limitations.

Penal Code

Topic: Justification Excluding Criminal Responsibility

Penal Code Sec. 9.55. USE OF LESS LETHAL FORCE WEAPON

(a) In this section, "less-lethal force weapon" means:

(1) any weapon, device, or munition that is designed, made, or adapted to expel a projectile or multiple projectiles against a target to temporarily incapacitate the target while minimizing the risk of serious bodily injury or death;

(2) a chemical dispensing device;

(3) a device used to strike a person; or

(4) a stun gun, as defined by Section 38.14.

(b) This section applies only to a guard employed by a correctional facility or a peace officer who is engaged in the discharge of the guard's or officer's official duties.

(c) A person to whom this section applies is justified in using force with a less-lethal force weapon against another when and to the degree the person reasonably believes the force was necessary to accomplish the person's official duties as a guard or officer and if the person's use of the weapon is in substantial compliance with the person's training.

Commentary by: Chelsey Oden
Source: SB 2570
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

The bill provides legal justification for correctional officers and peace officers to use less-lethal force in the course of their duties. It permits the use of a less-lethal weapon when the officer reasonably believes such force is necessary and the use is substantially consistent with their training. "Less-lethal weapon" is defined to include devices that discharge projectiles intended to incapacitate without causing serious harm, chemical agents, impact weapons, and stun guns, as referenced in Texas Penal Code Section 38.14.

Topic: Punishments

Penal Code Sec. 12.50. PENALTY IF OFFENSE COMMITTED IN DISASTER AREA OR EVACUATED AREA

(a) Subject to Subsections (c) and (d), the punishment for an offense described by Subsection (b) is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that the offense was committed in an area that was, at the time of the offense:

(1) subject to a declaration of a state of disaster made by:

(A) 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.);

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

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

(2) subject to an emergency evacuation order.

(b) The increase in punishment authorized by this section applies only to an offense under:

(1) Section 20.05;

(2) Section 20.06;

(3) Section 20.07;

(4) Section 22.01;

(5) Section 28.02;

(6) Section 29.02;

(7) Section 30.02;

(8) Section 30.03;

(9) Section 30.04;

(10) Section 30.05; [~~and~~]

(11) Section 31.03; and

(12) Section 38.15.

Commentary by: Chelsey Oden
Source: SB 482 (only portions of the bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Following Hurricane Beryl, reports emerged of utility workers encountering hostile behavior from the public while engaged in restoration efforts. This legislation is intended to ensure the protection and respectful treatment of utility personnel during disaster response operations. This part of the bill enhances the penalty for committing the offense of interference with public duties (Penal Code §38.15) when the offense occurs during a time in which the area is subject to a state of disaster declaration or an emergency evacuation order. Generally, this offense is classified as a Class B misdemeanor. Under the described circumstances, however, the offense is elevated to a Class A misdemeanor.

Topic: New Felony Offenses

Penal Code Sec. 29.04. JUGGING.

(a) A person commits an offense if, with the intent to commit theft of another person's money, the person:

(1) knowingly travels from a commercial business or financial institution, as defined by Section 201.101, Finance Code, on the same path or route as another person without substantially deviating from that path or route; and

(2) is in possession of two or more criminal instruments, as defined by Section 16.01.

(b) An offense under this section is a state jail felony, except that the offense is:

(1) a felony of the third degree if, during the commission of the offense, the actor commits an offense under Section 30.04; or

(2) a felony of the first degree if, during the commission of the offense, the actor commits an offense under Section 29.02.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

Commentary by: Chelsey Oden
Source: HB 1902
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill creates the new offense of "jugging," which is committed when a person, with the intent to commit theft of another person's money and in possession of two or more criminal instruments, knowingly travels from a commercial business or financial institution following the same path or route as another without making any substantial deviations. An offense under this new statute is a state jail felony, except that it is a third degree felony if, during the commission of the offense, the actor also commits the offense of burglary of a vehicle under Section 30.04, or to a first degree felony if the actor also commits the offense of robbery under Section 29.02.

Penal Code Sec. 32.56. FRAUDULENT USE, POSSESSION, OR TAMPERING WITH GIFT CARD, GIFT CARD PACKAGING, OR GIFT CARD DATA OR REDEMPTION INFORMATION

(a) In this section:

(1) "Cardholder" means a person to whom a physical or virtual gift card is given or any person who purchased the gift card.

(2) "Card issuer" means any person that issues a gift card or the agent of that person with respect to the card.

(3) "Counterfeit gift card" means a gift card that:

(A) purports on the front or back of the card to have been issued by an issuer that did not issue the card;

(B) has been altered to contain a digital imprint other than that which was placed on the card by the issuer;

(C) contains a digital imprint with account or other information differing from that which is printed or embossed on the card by the issuer; or

(D) has been altered to change the account or other information, including an image or code, on the front or back of the card from that which was printed or embossed on the card by the issuer.

(4) "Digital imprint" means the digital data placed on a gift card's magnetic strip or chip.

(5) "Gift card" means a card, code, or device that is issued to a consumer on a prepaid basis in a specified amount and redeemable upon presentation for the purchase of goods or services and that is either activated or inactivated.

(6) "Gift card redemption information" means information unique to each gift card that allows the cardholder to access, transfer, or spend funds on the gift card.

(7) "Gift card seller" means a merchant engaged in the business of selling gift cards to consumers.

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

(1) acquires or retains possession of a gift card, a digital imprint, or gift card redemption information without the consent of the cardholder, card issuer, or gift card seller;

(2) alters or tampers with a gift card or gift card packaging;

(3) possesses, transports, uses, or attempts to use a gift card, a digital imprint, or gift card redemption information to obtain goods, services, or anything else of value with knowledge that the gift card is a counterfeit gift card or that the gift card, digital imprint, or gift card redemption information has been obtained in violation of Subdivision (1); or

(4) transports an unactivated gift card into a retail location that sells gift cards and places or attempts to place the gift card on a gift card rack, kiosk, or other display in a manner that would entice the public to purchase the gift card.

(c) If an actor possesses three or more gift cards, counterfeit gift cards, or digital imprints or the gift card redemption information obtained from three or more gift cards, a rebuttable presumption exists that the actor possesses each item without the consent of the cardholder, card issuer, or gift card seller.

(d) The presumption established under Subsection (c) does not apply to a business or other commercial entity or a governmental agency that is engaged in a business activity or governmental function that does not violate a penal law of this state.

(e) An offense under this section is:

(1) a state jail felony if the actor engaged in conduct described by Subsection (b) with respect to fewer than five unactivated gift cards, counterfeit gift cards, or digital imprints or gift card redemption information of gift cards;

(2) a felony of the third degree if the actor engaged in conduct described by Subsection (b) with respect to 5 or more but fewer than 10 unactivated gift cards, counterfeit gift cards, or digital imprints or gift card redemption information of gift cards;

(3) a felony of the second degree if the actor engaged in conduct described by Subsection (b) with respect to 10 or more but fewer than 50 unactivated gift cards, counterfeit gift cards, or digital imprints or gift card redemption information of gift cards; or

(4) a felony of the first degree if the actor engaged in conduct described by Subsection (b) with respect to 50 or more unactivated gift cards, counterfeit gift cards, or digital imprints or gift card redemption information of gift cards.

(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, the other law, or both.

Commentary by: Chelsey Oden
Source: SB 1809
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill establishes new criminal offenses related to the misuse or fraudulent use of gift cards and the information associated with them. A person commits an offense if, with intent to harm or defraud another, they possess a physical or digital gift card—or the information needed to redeem funds on a gift card—without the consent of the cardholder, issuer, or seller. It is also an offense

to alter or tamper with a gift card or its packaging. Additionally, a person may be charged if they knowingly possess, transport, use, or attempt to use a counterfeit gift card or one obtained unlawfully, in order to acquire goods, services, or anything of value. The bill further criminalizes the act of placing, or attempting to place, a gift card with no funds into a retail setting in a way that allows it to be purchased by the public.

Additionally, a rebuttable presumption that the actor possesses the items without the rightful owner's consent exists when an actor is found in possession of 3 or more gift cards, whether counterfeit or not, or digital imprints or the gift card redemption information obtained from 3 or more gift cards. However, this does not apply to businesses or governmental agencies that are engaging in lawful business or governmental activities.

The offense levels are tiered and dependent on the number of items involved in the commission of the offense. If less than 5 items are involved, it is a state jail felony offense. If more than 5 but less than 10 items are involved, it is a third degree felony offense. If more than 10 but less than 50 items are involved, it is a second degree felony offense. If more than 50 items are involved, it is a first degree felony offense.

Penal Code Sec. 32.56. FINANCIAL ABUSE USING ARTIFICALLY GENERATED MEDIA OR PHISHING.

(a) In this section:

(1) "Artificially generated media" has the meaning assigned by Section 100B.001, Civil Practice and Remedies Code.

(2) "Financial abuse" has the meaning assigned by Section 32.55.

(b) A person commits an offense if the person knowingly engages in financial abuse:

(1) through the use of artificially generated media disseminated to another person; or

(2) by deceiving or manipulating another person into providing personal, financial, or identifying information through e-mail, electronic communication, or other digital means.

(c) An offense under this section is:

(1) a Class B misdemeanor if the value of the property taken, appropriated, obtained, retained, or used is less than $100;

(2) a Class A misdemeanor if the value of the property taken, appropriated, obtained, retained, or used is $100 or more but less than $750;

(3) a state jail felony if the value of the property taken, appropriated, obtained, retained, or used is $750 or more but less than $2,500;

(4) a felony of the third degree if the value of the property taken, appropriated, obtained, retained, or used is $2,500 or more but less than $30,000;

(5) a felony of the second degree if the value of the property taken, appropriated, obtained, retained, or used is $30,000 or more but less than $150,000; and

(6) a felony of the first degree if the value of the property taken, appropriated, obtained, retained, or used is $150,000 or more.

(d) This section does not apply, for content provided by another person, to:

(1) the provider of an interactive computer service, as defined by 47 U.S.C. Section 230(f);

(2) a telecommunications service, as defined by 47 U.S.C. Section 153; or

(3) a radio or television station licensed by the Federal Communications Commission.

Commentary by: Chelsey Oden
Source: SB 2373 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill establishes a new offense of financial abuse using artificially generated media or phishing. This offense is committed when a person knowingly engages in financial abuse, as defined in Penal Code §32.55(a)(2), by disseminating artificially generated media to another, or by deceiving or manipulating another into providing personal, financial, or identifying information through e-mail, electronic communication, or other digital means. "Artificially generated media" is assigned the meaning defined in Civil

Practice and Remedies Code §100B.001. The value of property taken, appropriated, obtained, retained, or used determines the offense level. If the value involved is less than $100, the offense is classified as a Class B misdemeanor. If the value is at least $100 but less than $750, it constitutes a Class A misdemeanor. A value of $750 or more but less than $2,500 results in a state jail felony. If the value is $2,500 or more but less than $30,000, the offense is a third degree felony. A value of $30,000 or more but less than $150,000 constitutes a second degree felony. If the value exceeds $150,000, the offense is classified as a first degree felony. This provision does not apply if the information is shared by another person with a provider of an interactive computer service, telecommunications service, or an FCC-licensed radio or television station, as defined under federal law. *Please read below* to see how this bill provides ways to hold a person civilly liable for the same conduct.

Civil Practice and Remedies Code Sec. 100B.001. DEFINITIONS.

In this chapter:

(1) "Artificial intelligence" means a machine-based system that can, for a given set of explicit or implicit objectives, make predictions, recommendations, or decisions that influence real or virtual environments.

(2) "Artificially generated media" means an image, an audio file, a video file, a radio broadcast, written text, or other media created or modified using artificial intelligence or other computer software with the intent to deceive.

(3) "Financial exploitation" has the meaning assigned by Section 281.001, Finance Code.

(4) "Phishing communication" means an attempt to deceive or manipulate a person into providing personal, financial, or identifying information through e-mail, electronic communication, or other digital means.

Civil Practice and Remedies Code Sec. 100B.002. CAUSE OF ACTION FOR DISSEMINATION OF CERTAIN COMMUNICATIONS FOR FINANCIAL EXPLOITATION.

(a) A person is liable for damages resulting from a knowing or intentional dissemination of artificially generated media or a phishing communication for the purpose of financial exploitation.

(b) A court shall award a claimant who prevails in an action brought under this section:

(1) actual damages, including damages for mental anguish and the defendant's profits attributable to the dissemination of the artificially generated media or phishing communication; and

(2) court costs and reasonable attorney's fees incurred in bringing the action.

(c) A court in which an action is brought under this section, on a motion of a claimant, may issue a temporary restraining order or a temporary or permanent injunction to restrain and prevent the further dissemination of artificially generated media or a phishing communication to the claimant.

(d) This section may not be construed to impose liability, for content provided by another person, on:

(1) the provider of an interactive computer service, as defined by 47 U.S.C. Section 230(f);

(2) a telecommunications service, as defined by 47 U.S.C. Section 153; or

(3) a radio or television station licensed by the Federal Communications Commission.

Civil Practice and Remedies Sec. 100B.003. CIVIL PENALTY FOR DISSEMINATION OF CERTAIN COMMUNICATIONS FOR FINANCIAL EXPLOITATION.

(a) A person who knowingly or intentionally disseminates artificially generated media or a phishing communication for purposes of financial exploitation is subject to a civil penalty not to exceed $1,000 per day the media or communication is disseminated. The attorney general may bring an action to collect the civil penalty.

(b) An action brought by the attorney general under this section shall be filed in a district court:

(1) in Travis County; or

(2) in any county in which all or part of the events or omissions giving rise to the action occurred.

(c) This section may not be construed to impose liability, for content provided by another person, on:

(1) the provider of an interactive computer service, as defined by 47 U.S.C. Section 230(f);

(2) a telecommunications service, as defined by 47 U.S.C. Section 153; or

(3) a radio or television station licensed by the Federal Communications Commission.

Civil Practice and Remedies Code Sec. 100B.004. CONFIDENTIAL IDENTITY IN ACTION FOR DISSEMINATION OF CERTAIN COMMUNICATIONS.

(a) In this section, "confidential identity" means:

(1) the use of a pseudonym; and

(2) the absence of any other identifying information, including address, telephone number, and social security number.

(b) In an action brought under Section 100B.002 or 100B.003, the court shall:

(1) notify the person who is the subject of the action as early as possible in the action that the person may use a confidential identity in relation to the action;

(2) allow a person who is the subject of the action to use a confidential identity in all petitions, filings, and other documents presented to the court;

(3) use the person's confidential identity in all of the court's proceedings and records relating to the action, including any appellate proceedings; and

(4) maintain the records relating to the action in a manner that protects the person's confidentiality.

(c) In an action brought under Section 100B.002 or 100B.003, only the following persons are entitled to know the true identifying information about the person who is the subject of the action:

(1) the court;

(2) a party to the action;

(3) an attorney representing a party to the action; and

(4) a person authorized by a written order of the court specific to that person.

(d) The court shall order that a person entitled to know the true identifying information under Subsection (c) may not divulge that information to anyone without a written order of the court. The court shall hold a person who violates the order in contempt.

(e) Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this section.

(f) A person is not required to use a confidential identity as provided by this section.

Commentary by: Chelsey Oden
Source: SB 2373 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill establishes civil liability for individuals who knowingly or intentionally disseminate artificially generated media or phishing communications for the purpose of financial exploitation. Under Section 100B.002 of the Civil Practice and Remedies Code, a person may be held liable for damages resulting from such conduct, including actual damages, mental anguish, and any profits gained from the dissemination. The statute also authorizes courts to award court costs and reasonable attorney's fees to a prevailing claimant. In addition, a court may issue temporary or permanent injunctive relief to prevent further dissemination of the harmful content. A civil penalty of up to $1,000 per day may be imposed for each day the media or communication is disseminated, and the attorney general is authorized to bring an action to recover these penalties. Such actions must be filed in a district court in Travis County or in any county where part of the conduct occurred. However, the statute explicitly states that it does not impose liability on providers of interactive computer services, telecommunications services, or FCC-licensed broadcasters for content provided by others.

In any action brought under these provisions of the Civil Practice and Remedies Code, the court must promptly inform any individual who is the subject of the action of their right to proceed under a confidential identity, which is defined as the use of a pseudonym without any other identifying

information, including address, telephone number, and social security number. The individual is not required to use a confidential identity; however, if they choose to do so, the court must allow the use of that identity in all pleadings, filings, and other documents submitted to the court. The court must also use the confidential identity in all related proceedings and records and maintain those records in a manner that protects the person's confidentiality. If a person who is authorized to know the true identity, such as a judge, party, or attorney, divulges that information without a written court order, the court must hold that person in contempt.

Penal Code Sec. 43.032. CONTINUOUS PROMOTION OF PROSTITUTION.

(a) A person commits an offense if, during a period that is 30 or more days in duration, the person engages two or more times in conduct that constitutes an offense under Section 43.03.

(b) If a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific conduct engaged in by the defendant constituted an offense under Section 43.03 or on which exact date the defendant engaged in that conduct. The jury must agree unanimously that the defendant, during a period that is 30 or more days in duration, engaged two or more times in conduct that constituted an offense under Section 43.03.

(c) If the victim of an offense under Subsection (a) is the same victim as a victim of an offense under Section 43.03, a defendant may not be convicted of the offense under Section 43.03 in the same criminal action as the offense under Subsection (a), unless the offense under Section 43.03:

(1) is charged in the alternative;

(2) occurred outside the period in which the offense alleged under Subsection (a) was committed; or

(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).

(d) A defendant may not be charged with more than one count under Subsection (a) if all of the conduct that constitutes an offense under Section 43.03 is alleged to have been committed against the same victim.

(e) An offense under this section is a felony of the first degree.

Commentary by: Chelsey Oden
Source: HB 1778 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill creates the new first degree felony offense of continuous promotion of prostitution, which is committed when, over a period of 30 or more days, a person engages in conduct that constitutes an offense under Penal Code Section 43.03 (promotion of prostitution) two or more times. Further, if a jury is deciding the case, the jurors do not have to agree on the exact actions the defendant took that broke the law under Section 43.03, or on the specific dates those actions happened. However, they must all agree that the defendant committed acts that violated Section 43.03 at least twice over a period of 30 days or more. When an actor is alleged to have committed the conduct against one victim, the actor may not be charged with more than one count under Section 43.032 (continuous promotion of prostitution).

Penal Code Sec. 43.231. PROMOTION OR POSSESSION OF CHILD-LIKE SEX DOLL.

(a) In this section, "child-like sex doll" means an obscene, anatomically correct doll, mannequin, or robot that has the features of a child and that is intended to be used for sexual stimulation or gratification.

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

(1) promotes a child-like sex doll;

(2) possesses, with the intent to promote, a child-like sex doll; or

(3) possesses a child-like sex doll.

(c) An offense under Subsection (b)(1) is a felony of the second degree.

(d) An offense under Subsection (b)(2) is a felony of the third degree.

(e) An offense under Subsection (b)(3) is a state jail felony.

(f) A person who possesses two or more child-like sex dolls is presumed to possess the dolls with the intent to promote the dolls.

(g) It is an affirmative defense to prosecution under this section that the actor possesses or promotes a child-like sex doll for a bona fide law enforcement purpose.

Commentary by: Chelsey Oden
Source: HB 1443
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill establishes new felony offenses related to child-like sex dolls. A person commits a second degree felony by knowingly promoting the sale or distribution of anatomically correct sex dolls that resemble children. Possessing such a doll with intent to promote is classified as a third degree felony, while simple possession is a state jail felony. The law creates a presumption of intent to promote if a person is found in possession of two or more dolls. The bill also defines the term "child-like sex doll" and provides an affirmative defense for possession when it is conducted for a bona fide law enforcement purpose.

Penal Code Sec. 43.235. POSSESSION, PROMOTION, OR PRODUCTION OF CERTAIN VISUAL MATERIAL APPEARING TO DEPICT CHILD.

(a) In this section:

(1) "Promote" has the meaning assigned by Section 43.25.

(2) "Visual material" has the meaning assigned by Section 43.26.

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

(1) knowingly possesses, accesses with intent to view, or promotes obscene visual material containing a depiction that appears to be of a child younger than 18 years of age engaging in activities described by Section 43.21(a)(1)(B), regardless of whether the depiction is an image of an actual child, a cartoon or animation, or an image created using an artificial intelligence application or other computer software; or

(2) uses an image of an actual child younger than 18 years of age at the time the image was made with the intent to train an artificial intelligence model to produce visual material constituting child pornography under Section 43.26.

(c) An offense under this section is a state jail felony, except that the offense is:

(1) a felony of the third degree if it is shown on the trial of the offense that the person has been previously convicted one time of an offense under this section or Section 43.23, 43.26, 43.261, or 43.262; or

(2) a felony of the second degree if it is shown on the trial of the offense that the person has been previously convicted two or more times of an offense under this section, Section 43.23, 43.26, 43.261, or 43.262, or any combination of those offenses.

(d) If conduct constituting 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.

Penal Code Sec. 3.03. SENTENCES FOR OFFENSES ARISING OUT OF SAME CRIMINAL EPISODE

(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:

(7) an offense under Section 43.235 or an offense for which a plea agreement was reached in a case in which the accused was charged with more than one offense under Section 43.235; or

(8) any combination of offenses listed in Subdivisions (1)-(7) [~~(1) (6)~~].

Commentary by: Chelsey Oden
Source: SB 20
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill establishes a new offense related to certain visual material appearing to depict a child or children. The terms "promote," and, "visual material," are assigned the meanings defined in Penal Code Sections 43.25 and 43.26, respectively.

Under this new statute, a person may commit the offense in two ways. First, an offense is committed when a person knowingly possesses, accesses with intent to view, or promotes obscene visual material which contains a depiction of a child which appears to be younger than 18 engaging in conduct described by Section 43.21(a)(1)(B). The material may include an image of an actual child, a cartoon or animation, or image created with use of artificial intelligence or other computer software. This conduct includes patently offensive depictions or descriptions of actual or simulated sexual acts, such as intercourse, sodomy, bestiality, masturbation, excretory functions, sadomasochistic behavior, lewd exhibition of the genitals, or the display of genitals—regardless of anatomical gender—in a state of arousal. It also includes the depiction of concealed male genitals in an erect state or the use of devices primarily designed and marketed for sexual stimulation. Second, an offense under this section is committed when a person uses an image of a real child, younger than 18 at the time the image was captured, with the intent to use artificial intelligence to produce visual material which constitutes child pornography under Section 43.26. This conduct includes knowingly or intentionally possessing or accessing with the intent to view any visual material that depicts a child younger than 18 years of age engaging in sexual conduct when the person knows the material depicts a child.

Generally, an offense committed under this section is considered a state jail felony. If the person has been previously convicted of an offense under this section, obscenity (Section 43.23), possession or promotion of child pornography (Section 43.26), electronic transmission of certain visual material depicting minor (Section 43.261), or possession or promotion of lewd visual material depicting child (Section 43.262), the offense is considered a third degree felony. If the person has two or more convictions, the offense is considered a second degree felony.

Finally, when a person commits multiple offenses under this section during the same criminal episode, Section 3.03 grants the judge discretion to order the sentences to run concurrently or consecutively.

Topic: Trafficking

Penal Code Sec. 20A.02. TRAFFICKING OF PERSONS

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

(1) traffics another person with the intent that the trafficked person engage in forced labor or services;

(2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;

(3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:

(A) Section 43.02 (Prostitution);

(B) Section 43.03 (Promotion of Prostitution);

(B-1) Section 43.031 (Online Promotion of Prostitution);

(C) Section 43.04 (Aggravated Promotion of Prostitution);

(C-1) Section 43.041 (Aggravated Online Promotion of Prostitution); or

(D) Section 43.05 (Compelling Prostitution);

(4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);

(5) traffics a child or disabled individual with the intent that the trafficked child or disabled individual engage in forced labor or services, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled;

(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled;

(7) traffics a child or disabled individual, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled, and by any means causes the trafficked child or disabled individual to engage in, or become the victim of, conduct prohibited by:

(A) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

(B) Section 21.11 (Indecency with a Child);

(C) Section 22.011 (Sexual Assault);

(D) Section 22.021 (Aggravated Sexual Assault);

(E) Section 43.02 (Prostitution);

(E-1) Section 43.021 (Solicitation of Prostitution);

(F) Section 43.03 (Promotion of Prostitution);

(F-1) Section 43.031 (Online Promotion of Prostitution);

(G) Section 43.04 (Aggravated Promotion of Prostitution);

(G-1) Section 43.041 (Aggravated Online Promotion of Prostitution);

(H) Section 43.05 (Compelling Prostitution);

(I) Section 43.25 (Sexual Performance by a Child);

(J) Section 43.251 (Employment Harmful to Children); or

(K) Section 43.26 (Possession or Promotion of Child Pornography); or

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child or disabled individual trafficked in the manner described in Subdivision (7), regardless of whether the person knows the age of the child or whether the person knows the victim is disabled.

(b) Except as otherwise provided by this subsection and Subsection (b-1), an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8) [~~, regardless of whether the actor knows the age of the child or whether the actor knows the victim is disabled at the time of the offense~~];

(2) the commission of the offense results in serious bodily injury to or the death of the person who is trafficked; [~~or~~]

(3) the commission of the offense results in the death of an unborn child of the person who is trafficked; or

(4) the actor:

(A) used or exhibited a deadly weapon during the commission of the offense; or

(B) intentionally, knowingly, or recklessly impeded the normal breathing or circulation of the blood of the trafficked person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth.

(b-1) An offense under this section is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed any part of the offense [~~in a location that was~~]:

(1) on the premises of or within 1,000 feet of the premises of:

(A) a school or a school bus stop or other area designated by a school as a pick-up or drop-off zone for students; [~~or~~]

(B) an institution of higher education or private or independent institution of higher education, as defined by Section 61.003, Education Code;

(C) [~~(B)~~] a juvenile detention facility;

(D) [~~(C)~~] a post-adjudication secure correctional facility;

(E) [~~(D)~~] a shelter or facility operating as a residential treatment center that serves runaway youth, foster children, people who are homeless, or persons subjected to human trafficking, domestic violence, or sexual assault;

(F) [~~(E)~~] a community center offering youth services and programs; or

(G) [~~(F)~~] a child-care facility, as defined by Section 42.002, Human Resources Code; [~~or~~]

(2) on the premises where or within 1,000 feet of the premises where:

(A) an official school function was taking place; or

(B) an event sponsored or sanctioned by the University Interscholastic League was taking place; or

(3) in a school bus or other passenger transportation vehicle of a school.

Commentary by: Chelsey Oden
Source: HB 1778
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill amends the offense of trafficking of persons by clarifying that the actor does not need to know the victim's age or disability status when the conduct involves a child or a disabled individual. Additionally, the bill extends the locations in which an offense under this section would be considered a first degree felony to include the premises of, or within 1,000 feet of, a school bus stop or other area designated by a school as a pick-up or drop-off location for students, as well as in a school bus or other school transportation vehicle.

Penal Code Sec. 20A.02. TRAFFICKING OF PERSONS.

(b) Except as otherwise provided by this subsection and Subsection (b-1), an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child or whether the actor knows the victim is disabled at the time of the offense;

(2) the commission of the offense results in serious bodily injury to or the death of the person who is trafficked; [~~or~~]

(3) the commission of the offense results in the death of an unborn child of the person who is trafficked; or

(4) the actor:

(A) used or exhibited a deadly weapon during the commission of the offense;

(B) intentionally, knowingly, or recklessly impeded the normal breathing or circulation of the blood of the trafficked person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth; [~~or~~]

(C) subject to Subsection (b-1), recruited, enticed, or obtained the trafficked person from a shelter or facility operating as a residential treatment center that serves runaway youth, foster children, the homeless, or persons subjected to human trafficking, domestic violence, or sexual assault; or

(D) subject to Subsection (b-1), recruited, enticed, or obtained the trafficked person from a correctional facility while the trafficked person was confined in the facility.

(b-1) An offense under this section is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:

(1) on the premises of or within 1,000 feet of the premises of:

(A) a school; [~~or~~]

(B) an institution of higher education or private or independent institution of higher education, as defined by Section 61.003, Education Code; [~~or~~]

(C) [~~(B)~~] a juvenile detention facility;

(D) [~~(C)~~] a post-adjudication secure correctional facility;

(E) [~~(D)~~] a shelter or facility operating as a residential treatment center that serves runaway youth, foster children, people who are homeless, or persons subjected to human trafficking, domestic violence, or sexual assault;

(F) [~~(E)~~] a community center offering youth services and programs; [~~or~~]

(G) [~~(F)~~] a child-care facility, as defined by Section 42.002, Human Resources Code; or

(H) a correctional facility; or

(2) on the premises where or within 1,000 feet of the premises where:

(A) an official school function was taking place; or

(B) an event sponsored or sanctioned by the University Interscholastic League was taking place.

Commentary by: Chelsey Oden
Source: SB 955
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill enhances punishment when actors target certain vulnerable persons for trafficking. It is now a first degree felony, punishable by a life sentence or a term of not more than 99 or less than 25 years if the person recruits, entices, or obtains the victim or trafficked individual while they are confined in a correctional facility.

Penal Code Sec. 20A.02. TRAFFICKING OF PERSONS.

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

(1) traffics another person with the intent that the trafficked person engage in forced labor or services;

(2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;

(3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:

(A) Section 43.02 (Prostitution);

(B) Section 43.03 (Promotion of Prostitution);

(B-1) Section 43.031 (Online Promotion of Prostitution);

(C) Section 43.04 (Aggravated Promotion of Prostitution);

(C-1) Section 43.041 (Aggravated Online Promotion of Prostitution); or

(D) Section 43.05 (Compelling Prostitution);

(4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);

(5) traffics a child or disabled individual with the intent that the trafficked child or disabled individual engage in forced labor or services, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled;

(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled;

(7) traffics a child or disabled individual, regardless of whether the person knows the age of the child or whether the person knows the victim is disabled, and by any means causes the trafficked child or disabled individual to engage in, or become the victim of, conduct prohibited by:

(A) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

(B) Section 21.11 (Indecency with a Child);

(C) Section 22.011 (Sexual Assault);

(D) Section 22.021 (Aggravated Sexual Assault);

(E) Section 43.02 (Prostitution);

(E-1) Section 43.021 (Solicitation of Prostitution);

(F) Section 43.03 (Promotion of Prostitution);

(F-1) Section 43.031 (Online Promotion of Prostitution);

(G) Section 43.04 (Aggravated Promotion of Prostitution);

(G-1) Section 43.041 (Aggravated Online Promotion of Prostitution);

(H) Section 43.05 (Compelling Prostitution);

(I) Section 43.25 (Sexual Performance by a Child);

(J) Section 43.251 (Employment Harmful to Children); or

(K) Section 43.26 (Possession or Promotion of Child Pornography); or

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child or disabled individual trafficked in the manner described in Subdivision (7), regardless of whether the person knows the age of the child or whether the person knows the victim is disabled.

(b) Except as otherwise provided by [~~this subsection and~~] Subsection (b-1), an offense under this section is a felony of the [~~second degree. An offense under this section is a felony of the~~] first degree [~~if:~~

[~~(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child or whether the actor knows the victim is disabled at the time of the offense;~~

[~~(2) the commission of the offense results in serious bodily injury to or the death of the person who is trafficked; or~~

[~~(3) the commission of the offense results in the death of an unborn child of the person who is trafficked; or~~

[~~(4) the actor:~~

[~~(A) used or exhibited a deadly weapon during the commission of the offense;~~

[~~(B) intentionally, knowingly, or recklessly impeded the normal breathing or circulation of the blood of the trafficked person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth~~].

(b-1) An offense under this section is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:

(1) on the premises of or within 1,000 feet of the premises of:

(A) a school; [~~or~~]

(B) an institution of higher education or private or independent institution of higher education, as defined by Section 61.003, Education Code; [or]

(C) [~~(B)~~] a juvenile detention facility;

(D) [~~(C)~~] a post-adjudication secure correctional facility;

(E) [~~(D)~~] a shelter or facility operating as a residential treatment center that serves runaway youth, foster children, people who are homeless, or persons subjected to human trafficking, domestic violence, or sexual assault;

(F) [~~(E)~~] a community center offering youth services and programs; or

(G) [~~(F)~~] a child-care facility, as defined by Section 42.002, Human Resources Code; or

(2) on the premises where or within 1,000 feet of the premises where:

(A) an official school function was taking place; or

(B) an event sponsored or sanctioned by the University Interscholastic League was taking place.

Commentary by: Chelsey Oden
Source: SB 1212
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Under current law, human trafficking is usually classified as a second degree felony, unless specific aggravating factors apply. This bill changes that by making all human trafficking offenses first degree felonies, regardless of the circumstances.

See discussion of SB 955 above. The changes proposed there do not conflict with the changes proposed under SB 1212. Consequently, all human trafficking offenses will be considered first degree

felony offenses, regardless of the circumstances. Additionally, the change proposed in SB 955 to subsection (b-1) will be given effect. That change makes it a first degree felony, punishable by a life sentence or a term of not more than 99 years or less than 25 years, if the person recruits, entices, or obtains the victim or trafficked individual while they are confined in a correctional facility.

Penal Code Sec. 20A.02. TRAFFICKING OF PERSONS.

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

(7) traffics a child or disabled individual and by any means causes the trafficked child or disabled individual to engage in, or become the victim of, conduct prohibited by:

(A) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

(B) Section 21.11 (Indecency with a Child);

(C) Section 22.011 (Sexual Assault);

(D) Section 22.021 (Aggravated Sexual Assault);

(E) Section 43.02 (Prostitution);

(E-1) Section 43.021 (Solicitation of Prostitution);

(F) Section 43.03 (Promotion of Prostitution);

(F-1) Section 43.031 (Online Promotion of Prostitution);

(G) Section 43.04 (Aggravated Promotion of Prostitution);

(G-1) Section 43.041 (Aggravated Online Promotion of Prostitution);

(H) Section 43.05 (Compelling Prostitution);

(I) Section 43.25 (Sexual Performance by a Child);

(J) Section 43.251 (Employment Harmful to Children); or

(K) Section 43.26 (Possession or Promotion of Child Pornography); or

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child or disabled individual trafficked in the manner described in Subdivision (7).

(e) This subsection applies only to a prosecution for an offense under Subsection (a)(7) or (8), in which the actor is alleged to have caused a trafficked child or disabled individual to engage in or become the victim of prostitution, as defined by Section 43.01. It is not a defense to a prosecution described by this subsection that the trafficked child or disabled individual:

(1) lacks the culpable mental state to engage in the act of prostitution; or

(2) did not complete the act of prostitution.

Penal Code Sec. 20A.03. CONTINUOUS TRAFFICKING OF PERSONS.

(f) This subsection applies only to a prosecution for an offense under this section based on conduct constituting an offense under Section 20A.02(a)(7) or (8), in which the actor is alleged to have caused for one or more times a trafficked child or disabled individual to engage in or become the victim of prostitution as defined by Section 43.01. It is not a defense to a prosecution described by this subsection that the trafficked child or disabled individual:

(1) lacks the culpable mental state to engage in the act of prostitution; or

(2) did not complete the act of prostitution.

Commentary by: Chelsey Oden
Source: HB 2761
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

The bill clarifies that it is not a valid defense under Subsections 20A.02(a)(7) or (a)(8) to assert that the trafficked child or disabled individual lacked the mental capacity to engage in the conduct or did not complete the act of prostitution. The bill adds the same specification for prosecution under Section 20A.03 (continuous trafficking of persons). Subsections 20A.02(a)(7), (8) are included for context only.

Topic: Sexual Offenses

Penal Code Sec. 21.15. INVASIVE VISUAL RECORDING.

(a) In this section:

(3-a) "Place in which a person has a reasonable expectation of privacy" means a place in which a reasonable person would believe that the person could disrobe in privacy, without being concerned that the act of undressing would be photographed or visually recorded by another or that a visual image of the person undressing would be broadcasted or transmitted by another. The term includes a bathroom, bedroom, and changing room.

(b) A person commits an offense if, without the other person's consent and with intent to invade the privacy of the other person, the person:

(1) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of an intimate area of another person if the other person has a reasonable expectation that the intimate area is not subject to public view;

(2) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another person in a place in which a person has a reasonable expectation of privacy [~~bathroom or changing room~~]; or

(3) knowing the character and content of the photograph, recording, broadcast, or transmission, promotes a photograph, recording, broadcast, or transmission described by Subdivision (1) or (2).

Commentary by: Chelsey Oden
Source: HB 1465
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill expands the locations in which an invasive visual recording of a person constitutes the applicable offense under Penal Code Section 21.15 to include any place in which a person has a reasonable expectation of privacy.

Penal Code Sec. 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT MEDIA [~~VIDEOS~~].

(a) In this section:

(1) "Deep fake media [~~video~~]" means a visual depiction [~~a video,~~] created or altered through [~~with~~] the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including by adapting, modifying, manipulating, or altering an authentic visual depiction manually or through an automated process [~~intent to deceive~~], that appears to a reasonable person to depict a real person, indistinguishable from an authentic visual depiction of the real person, performing an action that did not occur in reality.

(2) "Intimate parts" and "sexual conduct" have the meanings assigned by Section 21.16.

(3) "Visual depiction" means a photograph, motion picture film, videotape, digital image or video, or other visual recording.

(b) A person commits an offense if, without the effective consent of the person appearing to be depicted, the person knowingly produces or distributes by electronic means [~~a~~] deep fake media [~~video~~] that appears to depict the person:

(1) with visible computer-generated intimate parts or with the visible intimate parts of another human being as the intimate parts of the person; or

(2) engaging in sexual conduct in which the person did not engage [~~with the person's intimate parts exposed or engaged in sexual conduct~~].

(b-1) A person commits an offense if the person intentionally threatens to produce or distribute deep fake media with the intent to coerce, extort, harass, or intimidate another person.

(b-2) Consent required by Subsection (b) is valid only if the person appearing to be depicted knowingly and voluntarily signed a written agreement that was drafted in plain language. The agreement must include:

(1) a general description of the deep fake media; and

(2) if applicable, the audiovisual work into which the deep fake media will be incorporated.

(c) An offense under Subsection (b) [~~this section~~] is a Class A misdemeanor, except that the offense is a felony of the third degree if it is shown on the trial of the offense that:

(1) the actor has been previously convicted of an offense under this section; or

(2) the person appearing to be depicted is younger than 18 years of age.

(c-1) An offense under Subsection (b-1) is a Class B misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that:

(1) the actor has been previously convicted of an offense under this section; or

(2) the actor threatened to produce or distribute deep fake media appearing to depict a person younger than 18 years of age.

(c-2) It is not a defense to prosecution under this section that the deep fake media:

(1) contains a disclaimer stating that the media was unauthorized or that the person appearing to be depicted did not participate in the creation or development of the deep fake media; or

(2) indicates, through a label or otherwise, that the depiction is not authentic.

(c-3) It is an affirmative defense to prosecution under this section that the production or distribution of the deep fake media occurs in the course of:

(1) lawful and common practices of law enforcement;

(2) reporting unlawful activity; or

(3) a legal proceeding, if the production or distribution is permitted or required by law.

(c-4) It is an affirmative defense to prosecution under Subsection (b) that the actor:

(1) is an Internet service provider, cloud service provider, cybersecurity service provider, communication service provider, or telecommunications network that transmits data; and

(2) acted solely in a technical, automatic, or intermediate nature.

(c-5) It is an affirmative defense to prosecution under Subsection (b) that the actor:

(1) is a provider or developer of a publicly accessible artificial intelligence application or software that was used in the creation of the deep fake media;

(2) included a prohibition against the creation of deep fake media prohibited by this section in the actor's terms and conditions or user policies that are required to be acknowledged by a user before the user is granted access to the artificial intelligence application or software; and

(3) took affirmative steps to prevent the creation of deep fake media prohibited by this section through technological tools, such as:

(A) training the artificial intelligence application or software to identify deep fake media prohibited by this section;

(B) providing effective reporting tools for deep fake media prohibited by this section;

(C) filtering deep fake media prohibited by this section created by the artificial intelligence application or software before the media is shown to a user; and

(D) filtering deep fake media prohibited by this section from the artificial intelligence application or software data set before the data set is used to train the application or software.

(e) The court shall order a defendant convicted of an offense under this section to make restitution to the victim of the offense for any psychological, financial, or reputational harm incurred by the victim as a result of the offense.

Commentary by: Chelsey Oden
Source: SB 441
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill addresses conduct in which a person may commit the offense under Penal Code Sec. 21.165 (unlawful production or distribution of certain sexually explicit media). Under existing law, it is a criminal offense to knowingly produce or distribute a deep fake video depicting a person's exposed intimate parts or sexual conduct without their effective consent. This bill expands the

scope of the offense to include all forms of media—not just video—and clarifies that the offense also applies when computer-generated or another person's intimate parts are superimposed onto the depicted individual. An offense committed under this subsection is considered a Class A misdemeanor. However, the offense is elevated to a third degree felony if the actor has a prior conviction under this section or if the depicted individual is under the age of 18.

The bill further establishes that intentionally threatening to produce or distribute deep fake media with the intent to coerce, extort, harass, or intimidate constitutes a Class B misdemeanor offense. However, the offense is elevated to a Class A misdemeanor if the offender has a prior conviction under this section or if the depicted individual is under the age of 18.

Additionally, consent is established only if the depicted individual has knowingly and voluntarily executed a written agreement, drafted in plain language, which includes a general description of the deep fake media and, where applicable, the broader audiovisual work in which it will appear.

The bill clarifies that it is not a valid defense to prosecution under this section that the deep fake media includes a disclaimer of authorization, a statement that the depicted individual did not participate in its creation, or an indication that the content is not genuine.

Additionally, this creates multiple affirmative defenses. First, the production or distribution of the media occurs during lawful and common law enforcement practices, the reporting of unlawful activity, or a legal proceeding, when it is permitted or required by law. Second, when the actor is one who serves as an Internet, cloud, cybersecurity, or communication services provider or telecommunications network which transmits data and, when engaging in the conduct specified in the statute, acted only in a technical, automatic, or intermediate nature. An affirmative defense is also available to developers or providers of publicly accessible AI applications or software if they have explicitly prohibited the creation of unlawful deep fake content in their user agreements—agreements that users must acknowledge before gaining access. Furthermore, the provider must have implemented proactive technological safeguards, such as training the AI to detect prohibited content, enabling user reporting tools, filtering such content before display, and excluding it from training datasets.

Finally, the court must order a defendant convicted under this section to pay restitution to the victim for any psychological, financial, or reputational harm suffered as a result of the offense.

Civil Practice and Remedies Code, Chapter 98B. UNLAWFUL <u>PRODUCTION, SOLICITATION,</u> DISCLOSURE, OR PROMOTION OF INTIMATE VISUAL MATERIAL.

Civil Practice and Remedies Code Sec. 98B.001. DEFINITIONS.

(1) <u>"Artificial intimate visual material" means computer-generated intimate visual material that was produced, adapted, or modified using an artificial intelligence application or other computer software in which the person is recognizable as an actual person by a person's face, likeness, voice, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature which, when viewed by a reasonable person, is indistinguishable from the person depicted.</u>

<u>(1-a) "Consent" means affirmative, conscious, and voluntary agreement, made by a person freely and without coercion, fraud, or misrepresentation.</u>

<u>(1-b)</u> "Intimate parts," "promote," "sexual conduct," and "visual material" have the meanings assigned by Section 21.16, Penal Code.

<u>(3) "Nudification application" means an artificial intelligence application that is primarily designed and marketed for the purpose of producing artificial intimate visual material.</u>

<u>(4) "Social media platform" has the meaning assigned by Section 120.001, Business & Commerce Code.</u>

<u>Civil Practice and Remedies Code. Sec. 98B.0021. LIABILITY FOR UNLAWFUL PRODUCTION, SOLICITATION, DISCLOSURE, OR PROMOTION OF CERTAIN ARTIFICIAL INTIMATE VISUAL MATERIAL.</u>

<u>A defendant is liable, as provided by this chapter, to a person depicted in artificial intimate visual</u>

material for damages arising from the production, solicitation, disclosure, or promotion of the material if:

(1) the defendant produces, solicits, discloses, or promotes the artificial intimate visual material without the effective consent of the depicted person and with the intent to harm that person;

(2) the production, solicitation, disclosure, or promotion of the artificial intimate visual material causes harm to the depicted person; and

(3) the production, solicitation, disclosure, or promotion of the artificial intimate visual material reveals the identity of the depicted person in any manner, including through any accompanying or subsequent information or material related to the artificial intimate visual material.

Civil Practice and Remedies Code.
Sec. 98B.0022. LIABILITY OF OWNERS OF INTERNET WEBSITES AND ARTIFICIAL INTELLIGENCE APPLICATIONS AND PAYMENT PROCESSORS.

(a) A person who owns an Internet website or application, including a social media platform, and who recklessly facilitates the production or disclosure of artificial intimate visual material in exchange for payment, who owns a publicly accessible nudification application from which the material is produced, or who recklessly processes or facilitates payment for the production or disclosure of the material through the website or application, is liable, as provided by this chapter, to a person depicted in the material for damages arising from the production or disclosure of the material if the person knows or recklessly disregards that the depicted person did not consent to the production or disclosure of the material.

(b) A person who owns an Internet website or application, including a social media platform, on which artificial intimate visual material is disclosed is liable, as provided by this chapter, to the person depicted in the material for damages arising from the disclosure of the material if the person depicted requests the website or application to remove the material and the person who owns the website or application fails to remove the material within 72 hours of receiving the request and make reasonable efforts to identify and remove any known identical copies of such material.

(c) A person who owns an Internet website or application, including a social media platform, shall make available on the website or application an easily accessible system that allows a person to submit a request for the removal of artificial intimate visual material.

(d) A person who owns an Internet website or application, including a social media platform, shall make available on the website or application a clear and conspicuous notice, which may be provided through a clear and conspicuous link to another web page or disclosure, of the removal process established under Subsection (c), that:

(1) is written in plain language that is easy to read; and

(2) provides information regarding the responsibilities of the person who owns the website or application under this section, including a description of how a person can submit a request for the removal of artificial intimate visual material.

(e) A violation of Subsection (b), (c), or (d) is a deceptive trade practice actionable under Subchapter E, Chapter 17, Business & Commerce Code.

(f) The attorney general may investigate and bring an action for injunctive relief against a person who repeatedly violates Subsection (b), (c), or (d). If the attorney general prevails in the action, the attorney general may recover costs and attorney's fees.

Civil Practice and Remedies Code.
Sec. 98B.008. CONFIDENTIAL IDENTITY IN CERTAIN ACTIONS.

(a) In this section, "confidential identity" means:

(1) the use of a pseudonym; and

(2) the absence of any other identifying information, including address, telephone number, and social security number.

(b) Except as otherwise provided by this section, in a suit brought under this chapter, the court shall:

(1) make it known to the claimant as early as possible in the proceedings of the suit that the

claimant may use a confidential identity in relation to the suit;

(2) allow a claimant to use a confidential identity in all petitions, filings, and other documents presented to the court;

(3) use the confidential identity in all of the court's proceedings and records relating to the suit, including any appellate proceedings; and

(4) maintain the records relating to the suit in a manner that protects the confidentiality of the claimant.

(c) In a suit brought under this chapter, only the following persons are entitled to know the true identifying information about the claimant:

(1) the judge;

(2) a party to the suit;

(3) the attorney representing a party to the suit; and

(4) a person authorized by a written order of a court specific to that person.

(d) The court shall order that a person entitled to know the true identifying information under Subsection (c) may not divulge that information to anyone without a written order of the court. A court shall hold a person who violates the order in contempt.

(e) Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this section.

(f) A claimant is not required to use a confidential identity as provided by this section.

Civil Practice and Remedies Code.
Sec. 98B.009. STATUTE OF LIMITATIONS.

A person must bring suit under this chapter not later than 10 years after the later of the date on which:

(1) the person depicted in the intimate visual material that is the basis for the suit reasonably discovers the intimate visual material; or

(2) the person depicted in the intimate visual material that is the basis for the suit turns 18 years of age.

Commentary by: Chelsey Oden
Source: SB 441
Effective Date: September 1, 2025

Applicability: Applies only to a cause of action that accrues on or after the effective date of this act

Summary of Changes

This bill also creates mechanisms to hold defendants civilly liable to persons depicted in artificial intimate visual material for certain conduct. This conduct includes the production, solicitation, disclosure, or promotion of such material without the depicted person's effective consent and with intent to harm the depicted person; the production, solicitation, disclosure, or promotion of such material which causes harm to the depicted person; and the production, solicitation, disclosure, or promotion of such material reveals the identity of the depicted person in any manner.

This bill extends liability to owners of internet websites, artificial applications, or publicly accessible nudification tools, or to those who facilitate payment for the production or disclosure of artificial intimate visual material in exchange for compensation. Such individuals are liable for damages to a depicted person if they knew or recklessly disregarded that the person did not consent to the material's creation or distribution.

A website or application owner is liable to a depicted person if, after receiving a removal request, they fail to remove the material within 72 hours. Owners must also make reasonable efforts to remove known identical copies and provide an accessible system for submitting removal requests. Noncompliance constitutes a deceptive trade practice under Business and Commerce Code, Subchapter E, Chapter 17.

The court must promptly inform any depicted individual who is the subject of the action of their right to proceed under a confidential identity, which is defined as the use of a pseudonym without any other identifying information, including address, telephone number, and social security number. The individual is not required to use a confidential identity; however, if they choose to do so, the court must allow the use of that identity in all pleadings, filings, and other documents submitted to the court. The court must also use the confidential identity in all related proceedings and records and maintain those records in a manner that protects the person's confidentiality. If a person who is authorized to know the true identity, such as a judge, party, or attorney, divulges

that information without a written court order, the court must hold that person in contempt.

Topic: Assaultive Offenses

Penal Code Sec. 22.01. ASSAULT.

(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:

(1) a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;

(2) a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if:

(A) it is shown on the trial of the offense that the defendant has been previously convicted of an offense that was committed:

(i) 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; and

(ii) under:

(a) this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11;

(b) Section 25.07, if the applicable violation was based on the commission of family violence as described by Subsection (a)(1) of that section; or

(c) Section 25.072, if any of the applicable violations were based on the commission of family violence as described by Section 25.07(a)(1); or

(B) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth;

(3) a person who contracts with government to perform a service in a facility described by Section 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code, or an employee of that person:

(A) while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by government to provide the service; or

(B) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract;

(4) a person the actor knows is a security officer while the officer is performing a duty as a security officer;

(5) a person the actor knows is emergency services personnel while the person is providing emergency services;

(6) a person the actor knows is a process server while the person is performing a duty as a process server;

(7) a pregnant individual to force the individual to have an abortion;

(8) a person the actor knows is pregnant at the time of the offense; [~~or~~]

(9) a person the actor knows is hospital personnel while the person is located on hospital property, including all land and buildings owned or leased by the hospital; or

(10) 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.

(d) For purposes of Subsection (b), the actor is presumed to have known the person assaulted was a public servant, a security officer, an employee or agent of a utility, or emergency services personnel if the person was wearing a distinctive uniform or badge indicating the person's employment, agency, [~~as a public servant~~] or status, as applicable [~~a security officer or emergency services personnel~~].

(e) In this section:

(5) "Utility" means:

(A) an electric utility, as defined by Section 31.002, Utilities Code;

(B) a telecommunications provider, as defined by Section 51.002, Utilities Code;

(C) a cable service provider or video service provider, as defined by Section 66.002, Utilities Code;

(D) a gas utility, as defined by Section 101.003, Utilities Code, which for the purposes of this subsection includes a municipally owned utility as defined by that section;

(E) a gas utility, as defined by Section 121.001, Utilities Code;

(F) a pipeline used for the transportation or sale of oil, gas, or related products; or

(G) an electric cooperative or municipally owned utility, as defined by Section 11.003, Utilities Code.

Commentary by: Chelsey Oden
Source: SB 482 (only portions of the bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Following Hurricane Beryl, reports emerged of utility workers encountering hostile behavior from the public while engaged in restoration efforts. This legislation is intended to ensure the protection and respectful treatment of utility personnel during disaster response operations.

Under current law, intentionally, knowingly, or recklessly causing bodily injury to another person is a Class A misdemeanor, subject to certain exceptions (Texas Penal Code Sec. 22.01). This bill introduces a new enhancement: when the offense is committed against a utility employee or agent performing duties within the scope of their employment or agency, the offense is elevated to a third degree felony.

The bill also amends the definitions in Texas Penal Code Sections 22.01 and 42.07 to clarify that "utility" includes electric utilities, telecommunications providers, cable or video service providers, gas utilities, pipelines used for transporting or selling oil, gas, or related products, and electric cooperatives or municipally owned utilities.

Penal Code Sec. 22.01. ASSAULT.

(b-1) Notwithstanding Subsections (b) and (c), an offense under Subsection (a) is a felony of the third degree if the offense is committed:

(1) by an actor who is committed to a civil commitment facility; and

(2) against:

(A) a person the actor knows is an officer or employee of the Texas Civil Commitment Office:

(i) while the officer or employee is lawfully discharging an official duty; or

(ii) in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee; or

(B) a person the actor knows is contracting with the state to perform a service in a civil commitment facility or an employee of that person:

(i) while the person or employee is engaged in performing a service within the scope of the contract; or

(ii) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract.

(d-1) The actor is presumed to have known the person assaulted was a person described by Subsection (b-1)(2)(A) or (B), as applicable, if the person was wearing a distinctive uniform or badge indicating the person's status as an officer or employee of the Texas Civil Commitment Office or a contractor or employee of a contractor performing a service in a civil commitment facility.

Commentary by: Chelsey Oden
Source: SB 1610 (only portions of the bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill adds enhanced penalties when certain offenses are committed by specific individuals. It is considered a third degree felony offense when a person committed to a civil commitment facility assaults another person whom the actor knows is an officer or employee of the Texas Civil Commitment Office (TCCO), while the officer or employee is lawfully discharging an official duty, or in retaliation for the exercise of official power or performance of an official duty. SB 1610 establishes a presumption that the actor knows the other person is a TCCO officer, employee, con-

tractor, or contractor's employee if the person is wearing a distinctive uniform or badge indicating their status.

Penal Code Sec. 22.011. SEXUAL ASSAULT.

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

(1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;

(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;

(3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

(5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

(6) the actor knows that the other person is intoxicated or impaired by any substance to the extent that the other person is incapable of consenting [~~the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge~~];

(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;

(8) the actor is a public servant who coerces the other person to submit or participate;

(9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;

(10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;

(11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code;

(12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;

(13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or

(14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.

(c) In this section:

(1-a) "Consent" has the meaning assigned by Section 1.07.

Commentary by: Chelsey Oden
Source: HB 3073
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill, which also can be referred to as the Summer Willis Act, clarifies that a sexual assault is without the victim's consent when the actor knows that the person is impaired or intoxicated—regardless of the substance involved—to the extent that they are incapable of providing consent.

Penal Code Sec. 22.012. INDECENT ASSAULT.

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

(1) a state jail felony if it is shown on the trial of the offense that:

(A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B); or

(B) the defendant is a health care services provider or a mental health services provider

and the act is:

(i) committed during the course of providing a treatment or service to the victim; and

(ii) beyond the scope of generally accepted practices for the treatment or service; [~~or~~]

(2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section that is punishable under Subdivision (1)(B); or

(3) a felony of the second degree if the victim is a disabled individual or an elderly individual.

(d) In this section:

(1) "Disabled individual" and "elderly individual" have the meanings assigned by Section 22.04.

(2) "Health [~~, "health~~] care services provider" and "mental health services provider" have the meanings assigned by Section 22.011.

Commentary by: Chelsey Oden
Source: HB 2593
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill establishes an enhanced offense level for instances when the offense of indecent assault is committed against a disabled or elderly individual, as defined by Section 22.04. In these cases, the offense is considered a second degree felony rather than a Class A misdemeanor.

Penal Code Sec. 22.012. INDECENT ASSAULT.

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

(1) a state jail felony if it is shown on the trial of the offense that:

(A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B); or

(B) the defendant is a health care services provider or a mental health services provider and the act is:

(i) committed during the course of providing a treatment or service to the victim; and

(ii) beyond the scope of generally accepted practices for the treatment or service; [~~or~~]

(2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section that is punishable under Subdivision (1)(B); or

(3) a felony of the third degree if the offense is committed by an actor who is committed to a civil commitment facility, against:

(A) a person the actor knows is an officer or employee of the Texas Civil Commitment Office:

(i) while the officer or employee is lawfully discharging an official duty; or

(ii) in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee; or

(B) a person the actor knows is contracting with the state to perform a service in a civil commitment facility or an employee of that person:

(i) while the person or employee is engaged in performing a service within the scope of the contract; or

(ii) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract.

Commentary by: Chelsey Oden
Source: SB 1610 (only portions of the bill are included)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill focuses on individuals committed to a civil commitment facility at the time certain offenses are committed. Generally, indecent assault is classified as a Class A misdemeanor. However, when such an individual commits the offense of indecent assault, as defined by Penal Code §22.012, against a Texas Civil Commitment Office (TCCO) officer, employee, contractor, or a contractor's employee while they are performing their official duties or in retaliation for the performance of those duties, the offense is elevated to a third degree felony.

Penal Code Sec. 22.02. AGGRAVATED ASSAULT.

(b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if:

(3) the actor is inside of or directly en route to or from [~~in~~] a motor vehicle, as defined by Section 501.002, Transportation Code, and:

(A)knowingly discharges a firearm at or in the direction of a habitation, building, or vehicle;

(B) is reckless as to whether the habitation, building, or vehicle is occupied; and

(C) in discharging the firearm:

(i) [~~,~~] causes [~~serious~~] bodily injury to any person or damage to any property; or

(ii) places any person in fear of imminent serious bodily injury; or

(iii) the actor commits the assault as part of a mass shooting.

Commentary by: Chelsey Oden
Source: SB 3031
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This is a bill designed to address the rise in road rage incidents involving firearms. Under current law, a person is said to have committed a first degree felony offense, aggravated assault, when the person, while *in* a motor vehicle, knowingly discharges a firearm at or in the direction of a habitation, building, or vehicle, is reckless as to whether the habitation, building, or vehicle has occupants, and in discharging the firearm, either causes *serious* bodily injury to any person or commits the assault as a part of a mass shooting.

SB 3031 reduces the prosecutorial burden required to prove that a person committed aggravated assault when they knowingly discharge a firearm at or in the direction of a habitation, building, or vehicle while acting recklessly as to whether it was occupied. The statute expands both the locations where such conduct is prohibited and the types of resulting harm that qualify. First, it applies to conduct occurring inside a motor vehicle or while directly en route to or from one. Second, it applies when the conduct results in bodily injury to any person (regardless of severity), places any person in fear of imminent serious bodily injury, or causes damage to any property.

Penal Code Sec. 22.02. AGGRAVATED ASSAULT.

(b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if:

(1) the actor uses a deadly weapon during the commission of the assault and causes:

(A) serious bodily injury to a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; or

(B) a traumatic brain or spine injury to another that results in a persistent vegetative state or irreversible paralysis;

(2) regardless of whether the offense is committed under Subsection (a)(1) or (a)(2), the offense is committed:

(A) by a public servant acting under color of the servant's office or employment;

(B) against a person the actor knows is a public servant while the public servant is

lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;

(C) in retaliation against or on account of the service of another as a witness, prospective witness, informant, or person who has reported the occurrence of a crime;

(D) against a person the actor knows is a process server while the person is performing a duty as a process server; [~~or~~]

(E) against a person the actor knows is a security officer while the officer is performing a duty as a security officer; or

(F) by an actor who is committed to a civil commitment facility, against:

(i) a person the actor knows is an officer or employee of the Texas Civil Commitment Office:

(a) while the officer or employee is lawfully discharging an official duty; or

(b) in retaliation for or on account of an exercise of official power or performance of an

official duty by the officer or employee; or

(ii) a person the actor knows is contracting with the state to perform a service in a civil commitment facility or an employee of that person:

(a) while the person or employee is engaged in performing a service within the scope of the contract; or

(b) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract;

(3) the actor is in a motor vehicle, as defined by Section 501.002, Transportation Code, and:

(A) knowingly discharges a firearm at or in the direction of a habitation, building, or vehicle;

(B) is reckless as to whether the habitation, building, or vehicle is occupied; and

(C) in discharging the firearm, causes serious bodily injury to any person; or

(4) the actor commits the assault as part of a mass shooting.

(c-1) The actor is presumed to have known the person assaulted was a person described by Subsection (b)(2)(F)(i) or (ii), as applicable, if the person was wearing a distinctive uniform or badge indicating the person's status as an officer or employee of the Texas Civil Commitment Office or a contractor or employee of a contractor performing a service in a civil commitment facility.

Commentary by: Chelsey Oden
Source: SB 1610 (only portions of the bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill focuses on individuals committed to a civil commitment facility at the time certain offenses are committed. Generally, aggravated assault is classified as a second degree felony. However, when such an individual commits the offense of aggravated assault, as defined by Penal Code §22.02, against a Texas Civil Commitment Office (TCCO) officer, employee, contractor, or a contractor's employee while they are performing their official duties or in retaliation for the performance of those duties, the offense is elevated to a first-degree felony. Additionally, the individual is presumed to know the person's status as a TCCO officer, employee, or contractor if the person is wearing a distinctive badge or uniform.

Penal Code Sec. 22.041. ABANDONING OR ENDANGERING A CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL.

(c) A person commits an offense if the person intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engages in conduct that places a child, elderly individual, or disabled individual in imminent danger of death, bodily injury, or physical or mental impairment.

(c-1) For purposes of Subsection (c), it is presumed that a person engaged in conduct that places a child, elderly individual, or disabled individual in imminent danger of death, bodily injury, or physical or mental impairment if:

(1) the person manufactured, possessed, or in any way introduced into the body of any person the controlled substance methamphetamine or a controlled substance listed in Penalty Group 1-B, Section 481.1022, Health and Safety Code, in the presence of the child, elderly individual, or disabled individual;

(2) the person's conduct related to the proximity or accessibility of the controlled substance methamphetamine or a controlled substance listed in Penalty Group 1-B, Section 481.1022, Health and Safety Code, to the child, elderly individual, or disabled individual and an analysis of a specimen of the child's or individual's blood, urine, or other bodily substance indicates the presence of methamphetamine or a controlled substance listed in Penalty Group 1-B in the body of the child or individual; or

(3) the person injected, ingested, inhaled, or otherwise introduced a controlled substance listed in Penalty Group 1, Section 481.102, Health and Safety Code, or Penalty Group 1-B, Section 481.1022, Health and Safety Code, into the human body when the person was not in lawful possession of the substance as defined by Section 481.002(24) of that code.

Commentary by: Chelsey Oden
Source: HB 166
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Currently, a person is presumed to have endangered a child, elderly, or disabled individual if they engage in certain conduct involving these individuals and methamphetamine. Many believe that similar conduct involving fentanyl poses the same level of danger to these vulnerable populations. Consequently, this bill expands the offense under Penal Code Section 22.041 to include any controlled substance listed in Penalty Group 1-B of the Texas Controlled Substances Act, including fentanyl, rather than limiting it solely to methamphetamine.

Penal Code Sec. 22.05. DEADLY CONDUCT.

(a) A person commits an offense if he recklessly engages in conduct that places another in imminent danger of serious bodily injury.

(b) A person commits an offense if he knowingly discharges a firearm at or in the direction of:

(1) one or more individuals; or

(2) a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied.

(c) Except as otherwise provided by this subsection, recklessness [~~Recklessness~~] and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded. The presumption under this subsection does not apply to a peace officer engaged in the lawful discharge of the officer's official duties.

(d) For purposes of this section, "building," "habitation," and "vehicle" have the meanings assigned those terms by Section 30.01.

(e) An offense under Subsection (a) is a Class A misdemeanor. An offense under Subsection (b) is a felony of the third degree.

(f) Subsection (b)(1) does not apply to a peace officer if, at the time of the offense, the officer:

(1) was engaged in the actual discharge of the officer's official duties; and

(2) reasonably believed the discharge of the officer's firearm was justified under Chapter 9.

Commentary by: Kaci Sohrt
Source: SB 1637
Effective Date: September 1, 2025
Applicability: Conduct occurring on or after the effective date

Summary of Changes

This change in law provides that the presumption that pointing a loaded gun at someone is both reckless and dangerous for the purposes of establishing the elements of the offense of deadly conduct does not apply to a peace officer who is engaged in the lawful discharge of the peace officer's duties. It further provides that a peace officer who discharges a firearm at an individual does not commit an offense if the officer was engaged in the actual discharge of the officer's official duties

and reasonably believed the discharge of the firearm was justified under the defenses available in Chapter 9, Penal Code.

Penal Code Sec. 22.11. HARASSMENT BY PERSONS IN CERTAIN FACILITIES; HARASSMENT OF PUBLIC SERVANT.

(a) A person commits an offense if, with the intent to assault, harass, annoy, [~~or~~] alarm, abuse, torment, or embarrass

the person:

(1) while imprisoned or confined in a correctional or detention facility, causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal, or any other fluid or liquid;

(2) while committed to a civil commitment facility, causes:

(A) an officer or employee of the Texas Civil Commitment Office to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal, or any other fluid or liquid:

(i) while the officer or employee is lawfully discharging an official duty at a civil commitment facility; or

(ii) in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee; or

(B) a person who contracts with the state to perform a service in the facility or an employee of that person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal, or any other fluid or liquid:

(i) while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by the state to provide the service; or

(ii) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract; or

(3) causes another person the actor knows to be a public servant to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal, or any other fluid or liquid, while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of the public servant's official power or performance of an official duty.

(b) An offense under this section is a felony of the third degree.

(f) For purposes of Subsection (a)(2), the actor is presumed to have known the person was an officer or employee of the Texas Civil Commitment Office or a person who contracts with the state to perform a service in a civil commitment facility or an employee of that person, as applicable, if the person was wearing a distinctive uniform or badge indicating the person's status as an officer or employee of the Texas Civil Commitment Office or a contractor or employee of a contractor performing a service in a civil commitment facility.

(g) It is not a defense to prosecution under Subsection (a) that the actor warned any person that the actor intended to violate Subsection (a).

Commentary by: Chelsey Oden
Source: SB 1610 (only portions of the bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Under current law, an individual commits the offense of harassment by persons in certain facilities when they engage in specific conduct with the intent to assault, harass, or alarm another. With changes introduced in this bill, the required intent is expanded to include assault, harassment, annoyance, alarm, abuse, torment, or embarrassment. The provision is also broadened to cover instances where the individual causes the victim to come into contact with any bodily fluid—whether their own, another's, or that of an animal—as well as any other fluid or liquid. Finally, subsection (g) clarifies that it is not a valid defense that the individual informed the victim of their intent to commit the offense.

This is a substantial change in juvenile correctional facilities as it expands the offense of harassment of an employee in these facilities.

Topic: Offenses Against the Family

Penal Code Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN A FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING CASE.

(a) A person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case and related to the safety of a victim or the safety of the community, an order issued under Subchapter A, Chapter 7B, Code of Criminal Procedure, an order issued under Article 17.292, Code of Criminal Procedure, an order issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code, or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:

(1) commits family violence or an act in furtherance of an offense under Section 20A.02, 22.011, 22.012, 22.021, or 42.072;

(2) communicates:

(A) directly with a protected individual or a member of the family or household in a threatening or harassing manner;

(B) a threat through any person to a protected individual or a member of the family or household; or

(C) in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the violation is of an order described by this subsection and the order prohibits any communication with a protected individual or a member of the family or household;

(3) goes to or near any of the following places as specifically described in the order or condition of bond:

(A) the residence or place of employment or business of a protected individual or a member of the family or household; or

(B) any child care facility, residence, or school where a child protected by the order or condition of bond normally resides or attends;

(4) possesses a firearm;

(5) harms, threatens, or interferes with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order or condition of bond;

(6) removes, attempts to remove, or otherwise tampers with the normal functioning of a global positioning monitoring system; or

(7) tracks or monitors personal property or a motor vehicle in the possession of a protected individual or of a member of the family or household of a protected individual, without the individual's effective consent, including by:

(A) using a tracking application on a personal electronic device in the possession of the protected individual or the family or household member or using a tracking device; or

(B) physically following the protected individual or family or household member or causing another to physically follow the individual or member.

(g) An offense under this section is a Class A misdemeanor, except the offense is:

(1) subject to Subdivision (2), a state jail felony if:

(A) it is shown at the trial of the offense that the defendant violated an order issued under Subchapter A, Chapter 7B, Code of Criminal Procedure, following the defendant's conviction of or placement on deferred adjudication community supervision for an offense, if the order was issued with respect to a victim of that offense; or

(B) the defendant violates an order or a condition of bond in the manner described by Subsection (a)(1), (2), (3), (5), (6), or (7) while possessing a deadly weapon; or

(2) a felony of the third degree if it is shown on the trial of the offense that the defendant:

(A) has previously been convicted two or more times of an offense under this section or two or more times of an offense under

Section 25.072, or has previously been convicted of an offense under this section and an offense under Section 25.072; or

(B) has violated the order or the condition of bond by committing an assault or the offense of stalking.

Penal Code Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING CASE.

(e) An offense under this section is a felony of the third degree, except the offense is a felony of the second degree if it is shown on the trial of the offense that at least one time the person engaged in conduct that was punishable as a state jail felony under Section 25.07(g)(1)(B).

Commentary by: Chelsey Oden
Source: HB 2073
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill adds aggravating factors in which the offense level may be increased under Section 25.07. Under that Section, a person commits an offense if they knowingly or intentionally violate a protective order or bond condition issued in a case involving family violence, sexual assault or abuse, indecent assault, stalking, or trafficking. Violations include committing acts of violence or related crimes such as trafficking or stalking; making threats or harassing communications directly or indirectly to the protected person or their family; or contacting them in any way not permitted by the court. It is also a violation to go near places the protected person lives, works, or where their child goes to school or daycare, if those locations are specified in the order. Additionally, the law prohibits harming or threatening a protected person's pet or service animal, tampering with a court-ordered GPS monitor, or tracking the protected person or their property without consent—whether through electronic means or by physically following them. Generally, an offense under that Section is a Class A misdemeanor.

This bill creates a new enhancement: a violation of a protective order or bond condition committed in any of the six specified ways—excluding possession of a firearm under Subsection (a)(4)—constitutes a state jail felony if the defendant was in possession of a deadly weapon at the time of the offense. Additionally, if it is shown at trial that the individual committed a state jail felony offense under Penal Code Section 25.07 as described above, the individual may be prosecuted for a second degree felony under Section 25.072, which relates to repeated violations of protective orders or bond conditions.

Topic: Offenses Against Property

Penal Code Sec. 31.16. ORGANIZED RETAIL THEFT.

(a) [~~(b)~~] A person commits an offense if the person:

(1) acting in concert with one or more other persons, unlawfully appropriates retail merchandise, money, or other property from a merchant with the intent to deprive the merchant of the property;

(2) on two or more occasions within a 180-day period, unlawfully appropriates retail merchandise, money, or other property from a merchant with the intent to deprive the merchant of the property;

(3) knowingly obtains a benefit from conduct constituting an offense under Subdivision (1) or (2) that was committed by another person; or

(4) knowingly acts in concert with one or more other persons to overwhelm the security response of a merchant or a peace officer for the purpose of committing an offense under Subdivision (1) or (2) or avoiding detection or apprehension for the offense ~~[intentionally conducts, promotes, or facilitates an activity in which the person receives, possesses, conceals, stores, barters, sells, or disposes of:~~

~~[(1) stolen retail merchandise; or~~

~~[(2) merchandise explicitly represented to the person as being stolen retail merchandise].~~

(b) In the prosecution of an offense under this section:

(1) Sections 31.03(b) and (c) apply to the offense for purposes of determining whether property was unlawfully appropriated from a merchant; and

(2) a person is presumed to have acted with the intent to deprive a merchant of retail merchandise if the person:

(A) altered or removed a label, universal product code, price tag, or retail theft detector for retail merchandise; or

(B) transferred retail merchandise from the merchandise's packaging into other packaging.

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

(1) a person who acted in concert with the actor has not been charged, convicted, apprehended, or identified;

(2) 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;

(3) 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

(4) 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.

(d) An offense under this section is:

(1) a Class B [~~C~~] misdemeanor if the total value of the property [~~merchandise~~] involved in the offense [~~activity~~] is less than $100;

(2) a Class A [~~B~~] misdemeanor if the total value of the property [~~merchandise~~] involved in the offense [~~activity~~] is$100 or more but less than $750;

(3) a state jail felony [~~Class A misdemeanor~~] if the total value of the property [~~merchandise~~] involved in the offense [~~activity~~] is $750 or more but less than $2,500;

(4) a [~~state jail~~] felony of the third degree if the total value of the property [~~merchandise~~] involved in the offense [~~activity~~] is $2,500 or more but less than $30,000;

(5) a felony of the second [~~third~~] degree if the total value of the property [~~merchandise~~] involved in the offense [~~activity~~] is $30,000 or more but less than $150,000;

(6) a felony of the first [~~second~~] degree if the total value of the property [~~merchandise~~] involved in the offense [~~activity~~] is more than $150,000.

(e) For purposes of enhancement of penalties under Subchapter D, Chapter 12, a person is considered to have been convicted of an offense under this section if the person was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication community supervision, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the person was subsequently discharged from community supervision

~~[(d) An offense described for purposes of punishment by Subsections (c)(1)-(6) is increased to the next higher category of offense if it is shown on the trial of the offense that:~~

~~[(1) the person organized, supervised, financed, or managed one or more other persons engaged in an activity described by Subsection (b); or~~

~~[(2) during the commission of the offense, a person engaged in an activity described by Subsection (b) 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].~~

Penal Code Sec. 31.01. DEFINITIONS.

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

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

Penal Code Sec. 31.08. VALUE.

(a) Subject to the additional criteria of Subsections (a-1), (b), and (c), value under this chapter is:

(1) the fair market value of the property or service at the time and place of the offense; or

(2) if the fair market value of the property cannot be ascertained, the cost of replacing the property within a reasonable time after the theft.

(a-1) In the prosecution of an offense under Section 31.16 involving retail merchandise stolen from a merchant, the value of the stolen retail merchandise is:

(1) the sales price of the retail merchandise as stated, posted, or advertised by the merchant, including applicable sales tax, at the time of the offense; or

(2) the rental price of the retail merchandise as stated, posted, or advertised by the merchant, including applicable sales tax, at the time of the offense plus the cost of replacing the retail merchandise within a reasonable time after the offense.

(c) If property or service has value that cannot be reasonably ascertained by the criteria set forth in Subsections (a), (a-1), and (b), the property or service is deemed to have a value of $750 or more but less than $2,500.

(d) If the actor proves by a preponderance of the evidence that the actor [~~he~~] gave consideration for or had a legal interest in the property or service stolen, the amount of the consideration or the value of the interest so proven shall be deducted from the value of the property or service ascertained under Subsection (a), (a-1), (b), or (c) to determine value for purposes of this chapter.

Commentary by: Chelsey Oden
Source: SB 1300
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill amends Penal Code Section 31.16 to clarify that organized retail theft includes conduct where a person, intending to deprive a merchant of property, acts with others or commits theft on multiple occasions within a 180-day period. The offense also includes knowingly benefiting from another's qualifying conduct or coordinating with others to overwhelm a merchant's or peace officer's security response. The term "retail merchandise" now includes gift cards, and "merchant" is defined as any business that sells goods to the public

An actor is presumed to have acted with intent to deprive a merchant of retail merchandise when the actor alters or removes a label, universal product code, price tag, or retail theft detector from retail merchandise, or transfers retail merchandise from its original packaging into other packaging. Additionally, Sections 31.03(b) and (c) of the Penal Code are to be applied to determine whether property was unlawfully appropriated from a merchant.

Classification of the offense is dependent on the total value of the property involved. If the total is less than $100, the offense is a Class B misdemeanor. If the total is more than $100 but less than $750, the offense is a Class A misdemeanor. If the total is more than $750 but less than $2,500, the offense is a state jail felony. If the total is more than $2,500 but less than $30,000, the offense is a third degree felony. If the total is more than $30,000 but less than $150,000, the offense is a second degree felony. If the total is more than $150,000, the offense is a first degree felony.

In the prosecution of the offense of organized retail theft, the value of the stolen retail merchandise is calculated using the sales price of the merchandise as stated, posted, or advertised by the merchant, including sales tax, at the time of the offense, or the rental price of the merchandise as stated, posted, or advertised by the merchant at the time of the offense, plus the cost of replacing the items within a reasonable time after the commission of the offense.

It is not a defense to prosecution that a person who acted with the actor has not been charged, convicted, apprehended, or identified; the offense occurred because of a deception made or strategy followed by a law enforcement agency, including the use of an individual acting undercover; a law enforcement agency provided the ac-

tor with a facility in which to commit the offense or the opportunity to engage in conduct constituting the offense; or a peace officer solicited the actor to commit the offense when the solicitation was of the type that would only encourage a person predisposed to commit the offense to actually commit the offense.

Code of Criminal Procedure Art. 21.155. ORGANIZED RETAIL THEFT.

(a) In this article, "merchant" has the meaning assigned by Section 31.01, Penal Code.

(b) Notwithstanding Article 21.09, an indictment or information in the prosecution of an offense under Section 31.16, Penal Code, shall not be held insufficient for failure to name or describe each item of property stolen. It shall be sufficient to name the merchant and, if the offense level is based on a value of the property stolen, the aggregate value range of the stolen property applicable to the offense being alleged.

Code of Criminal Procedure Art. 38.51. EVIDENCE IN PROSECUTION FOR ORGANIZED RETAIL THEFT.

(a) In this article, "merchant" and "retail merchandise" have the meanings assigned by Section 31.01, Penal Code.

(b) In the prosecution of an offense under Section 31.16, Penal Code:

(1) if issues of intent, knowledge, and whether the defendant was acting in concert with one or more other persons are raised by the defendant's plea of not guilty, evidence that the defendant has participated in any theft offense, other than a theft offense that forms the basis of the offense under Section 31.16, Penal Code, on which the prosecution is based, is admissible:

(A) for the purpose of showing intent or knowledge; or

(B) as evidence that the defendant was acting in concert with one or more other persons;

(2) the unaltered price tag or other marking on retail merchandise identifying the price of the retail merchandise is prima facie evidence of the value of the retail merchandise for purposes of Section 31.08(a-1), Penal Code; and

(3) a price tag or other marking described by Subdivision (2) that identifies or is unique to a merchant is prima facie evidence of the merchant's ownership of the retail merchandise.

Commentary by: Chelsey Oden
Source: SB 1300
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

In the prosecution of the offense of organized retail theft, an unaltered price tag or marking on retail merchandise identifying the price is considered prima facie evidence of the value of the retail merchandise. Additionally, a price tag or other marking which identifies or is unique to a merchant is prima facie evidence of the merchant's ownership of the items.

In prosecuting an offense under Section 31.16 of the Penal Code, an indictment or information is not considered insufficient solely because it does not enumerate or describe each individual item of allegedly stolen property. It is sufficient if the indictment identifies the merchant and specifies the aggregate value range of the property alleged to have been stolen.

Evidence of prior theft offenses, other than the one currently being prosecuted, is admissible to establish the defendant's intent, knowledge, or that the defendant acted in concert with one or more other persons, provided these issues are raised following a plea of not guilty.

Topic: Fraud

Penal Code Sec. 32.21. FORGERY.

(b) A person commits an offense if he forges a writing with intent to defraud or harm another.

(c) Except as provided by Subsections (d), (e), and (e-1), an offense under this section is a state jail felony [~~Class A misdemeanor~~].

(d) Subject to Subsection (e-1), an offense under this section is a [~~state jail~~] felony of the third degree if the writing is or purports to be a will, codicil, deed, deed of trust, mortgage, security instrument, security agreement, credit card, check, authorization to debit an account at a financial in-

stitution, or similar sight order for payment of money, contract, release, or other commercial instrument.

(e) Subject to Subsection (e-1), an offense under this section is a felony of the second [~~third~~] degree if the writing is or purports to be:

(1) part of an issue of money, securities, postage or revenue stamps;

(2) a government record listed in Section 37.01(2)(C); or

(3) other instruments issued by a state or national government or by a subdivision of either, or part of an issue of stock, bonds, or other instruments representing interests in or claims against another person.

(e-1) If it is shown on the trial of an offense under this section that the actor engaged in the conduct to obtain or attempt to obtain a property or service, an offense under this section is:

(1) a Class B [~~C~~] misdemeanor if the value of the property or service is less than $100;

(2) a Class A [~~B~~] misdemeanor if the value of the property or service is $100 or more but less than $750;

(3) a state jail felony [~~Class A misdemeanor~~] if the value of the property or service is $750 or more but less than $2,500;

(4) a [~~state jail~~] felony of the third degree if the value of the property or service is $2,500 or more but less than $30,000;

(5) a felony of the second [~~third~~] degree if the value of the property or service is $30,000 or more but less than $150,000; and

(6) a felony of the first [~~second~~] degree if the value of the property or service is $150,000 or more [~~but less than $300,000; and~~

[~~(7) a felony of the first degree if the value of the property or service is $300,000 or more~~].

(e-2) Notwithstanding any other provision of this section, an offense under this section, other than an offense described for purposes of punishment by Subsection (e-1)(6) [~~(e-1)(7)~~], is increased to the next higher category of offense if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04.

Commentary by: Chelsey Oden
Source: SB 1379
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill reclassifies the offense levels of forgery. The minimum offense level for punishment for forgery has been increased from a Class A misdemeanor to a state jail felony. In turn, if the writing is, or claims to be, a will, deed, deed of trust, mortgage, security instrument or agreement, credit card, or check, forgery becomes a felony of the third degree. If the writing is, or claims to be, an issue of money, securities, postage or revenue stamps, a government record listed in Section 37.01(2)(C), part of an issue of stock, bonds, or other instruments representing interests in claims against another person, or other instruments issued by a state or national government or by a subdivision of either, the offense becomes a felony of the second degree. Further, if it is shown at trial that the actor engaged in the conduct to obtain or attempt to obtain property or services, the offense level is dependent on the value of the property or service: a Class B misdemeanor if the value is less than $100; a Class A misdemeanor if the value is more than $100 but less than $750; a state jail felony if the value is $750 or more but less than $2,500; a third degree felony if the value is $2,500 or more but less than $30,000; a second degree felony if the value is more than $30,000 but less than $150,000; and a first degree felony if the value is $150,000 or more.

Penal Code Sec. 32.24. STEALING OR RECEIVING STOLEN CHECK OR SIMILAR SIGHT ORDER

(a) A person commits an offense if the person steals an unsigned check or similar sight order or, with knowledge that an unsigned check or similar sight order has been stolen, receives the check or sight order with intent to use it, to sell it, or to transfer it to a person other than the person from whom the check or sight order was stolen.

(b) An offense under this section is a state jail felony [~~Class A misdemeanor~~].

Commentary by: Chelsey Oden
Source: SB 1451
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill amends Penal Code §32.24 to elevate the offense of stealing or receiving a stolen check or similar sight order from a Class A misdemeanor to a state jail felony.

Topic: Offenses Against Public Administration

Penal Code Sec. 36.06. OBSTRUCTION OR RETALIATION.

(a) A person commits an offense if the person intentionally or knowingly harms or threatens to harm another by an unlawful act:

(1) in retaliation for or on account of the service or status of another as a:

(A) public servant, witness, prospective witness, or informant; or

(B) person who has reported or who the actor knows intends to report the occurrence of a crime; or

(2) to prevent or delay the service of another as a:

(A) public servant, witness, prospective witness, or informant; or

(B) person who has reported or who the actor knows intends to report the occurrence of a crime.

(a-1) A person commits an offense if the person posts on a publicly accessible website the residence address or telephone number of an individual the actor knows is a public servant or a member of a public servant's family or household with the intent to cause harm or a threat of harm to the individual or a member of the individual's family or household in retaliation for or on account of the service or status of the individual as a public servant.

(b) In this section:

(3) "Public servant" has the meaning assigned by Section 1.07, except that the term also includes:

(A) an honorably retired peace officer; and

(B) a person who contracts with the state to perform a service in a civil commitment facility or an employee of that person.

Commentary by: Chelsey Oden
Source: SB 1610 (only portions of the bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill expands the definition of "public servant" for purposes of the obstruction or retaliation offense under the Penal Code to include state contractors and their employees who provide services in a civil commitment facility.

Penal Code Sec. 38.11. PROHIBITED SUBSTANCES AND ITEMS IN CORRECTIONAL OR CIVIL COMMITMENT FACILITY.

(a) A person commits an offense if the person provides, or possesses with the intent to provide:

(1) an alcoholic beverage, controlled substance, or dangerous drug to a person in the custody of a correctional facility or residing in a civil commitment facility, except on the prescription of a practitioner;

(2) a deadly weapon to a person in the custody of a correctional facility or residing in a civil commitment facility;

(3) a cellular telephone or other wireless communications device or a component of one of those devices to a person in the custody of a correctional facility;

(4) money to a person confined in a correctional facility; or

(5) a cigarette or tobacco product to a person confined in a correctional facility, except that if the facility is a local jail regulated by the Commission on Jail Standards, the person commits an offense only if providing the cigarette or tobacco product violates a rule or regulation adopted by the sheriff or jail administrator that:

(A) prohibits the possession of a cigarette or tobacco product by a person confined in the jail; or

(B) places restrictions on:

(i) the possession of a cigarette or tobacco product by a person confined in the jail; or

(ii) the manner in which a cigarette or tobacco product may be provided to a person confined in the jail.

(b) A person commits an offense if the person takes an alcoholic beverage, controlled substance, or dangerous drug into a correctional facility or civil commitment facility.

(c) A person commits an offense if the person takes a controlled substance or dangerous drug on property owned, used, or controlled by a correctional facility or civil commitment facility**.**

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

(1) possesses an alcoholic beverage, controlled substance, or dangerous drug while in a correctional facility or civil commitment facility or on property owned, used, or controlled by a correctional facility or civil commitment facility; or

(2) possesses a deadly weapon while in a correctional facility or civil commitment facility.

(e) It is an affirmative defense to prosecution under Subsection (b), (c), or (d)(1) that the person possessed the alcoholic beverage, controlled substance, or dangerous drug pursuant to a prescription issued by a practitioner or while delivering the beverage, substance, or drug to a warehouse, pharmacy, or practitioner on property owned, used, or controlled by the correctional facility or civil commitment facility. It is an affirmative defense to prosecution under Subsection (d)(2) that the person possessing the deadly weapon is a peace officer or is an officer or employee of the correctional facility or civil commitment facility who is authorized to possess the deadly weapon while on duty or traveling to or from the person's place of assignment.

(f) In this section:

(1) "Practitioner" has the meaning assigned by Section 481.002, Health and Safety Code.

(2) "Prescription" has the meaning assigned by Section 481.002, Health and Safety Code.

(3) "Cigarette" has the meaning assigned by Section 154.001, Tax Code.

(4) "Tobacco product" has the meaning assigned by Section 155.001, Tax Code.

(5) "Component" means any item necessary for the current, ongoing, or future operation of a cellular telephone or other wireless communications device, including a subscriber identity module card or functionally equivalent portable memory chip, a battery or battery charger, and any number of minutes that have been purchased or for which a contract has been entered into and during which a cellular telephone or other wireless communications device is capable of transmitting or receiving communications.

(6) "Correctional facility" means:

(A) any place described by Section 1.07(a)(14)(A), (B), or (C); or

(B) a secure correctional facility or secure detention facility, as defined by Section 51.02, Family Code.

(g) Except as otherwise provided by Subsections (g-1) and (g-2), an [~~An~~] offense under this section is a felony of the third degree.

(g-1) Except as otherwise provided by Subsection (g-2), an offense under Subsection (a)(1), (b), or (c) committed with respect to a correctional facility is a felony of the second degree if the actor is employed by the correctional facility.

(g-2) An offense under Subsection (a)(1), (b), or (c) committed with respect to a correctional facility is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed $250,000 if:

(1) the actor is employed by the correctional facility; and

(2) the ingestion, inhalation, injection, or other administration of the controlled substance or dangerous drug that is the subject of the offense causes the death of a person in the custody of the correctional facility.

Commentary by: Chelsey Oden
Source: SB 3464
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes
An offense under Penal Code Section 38.11 (prohibited substances and items in correctional or civil commitment facility) may be committed in many ways, including, but not limited to, when a person provides, or possesses with the intent to provide, an alcoholic beverage, controlled substance, or dangerous drug to a person detained in a correctional facility or residing in a civil commitment facility, unless prescribed by a practitioner; or when a person brings any of those items into a correctional or civil commitment facility, or onto property owned, used, or controlled by such a facility. An offense committed under Penal Code Section 38.11 is a third-degree felony.

While this classification remains, the bill carves out an increased offense level when the offense is committed by an actor employed by the correctional facility, in which case it is a second degree felony. Furthermore, if the actor is employed by the correctional facility and the ingestion, inhalation, injection, or other administration of the controlled substance or dangerous drug involved in the offense results in the death of a person in the custody of the facility, the offense is considered a first degree felony and is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed $250,000.

Penal Code Sec. 38.15. INTERFERENCE WITH PUBLIC DUTIES

(a) A person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with:

(1) a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law;

(2) a person who is employed to provide emergency medical services including the transportation of ill or injured persons while the person is performing that duty;

(3) a fire fighter, while the fire fighter is fighting a fire or investigating the cause of a fire;

(4) an animal under the supervision of a peace officer, corrections officer, or jailer, if the person knows the animal is being used for law enforcement, corrections, prison or jail security, or investigative purposes;

(5) the transmission of a communication over a citizen's band radio channel, the purpose of which communication is to inform or inquire about an emergency;

(6) an officer with responsibility for animal control in a county or municipality, while the officer is performing a duty or exercising authority imposed or granted under Chapter 821 or 822, Health and Safety Code; [~~or~~]

(7) a person who:

(A) has responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state or a county or municipality;

(B) is investigating a particular site as part of the person's responsibilities under Paragraph (A);

(C) is acting in accordance with policies and procedures related to the safety and security of the site described by Paragraph (B); and

(D) is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code; or

(8) a person who is an employee or agent of a utility while the person is performing a duty within the scope of that employment or agency.

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

(e) In this section:

(1) "Emergency" [~~, "emergency"~~] means a condition or circumstance in which an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of serious bodily injury or in which property is or is reasonably believed by the person transmitting the communication to be in imminent danger of damage or destruction.

(2) "Utility" means:

(A) an electric utility, as defined by Section 31.002, Utilities Code;

(B) a telecommunications provider, as defined by Section 51.002, Utilities Code;

(C) a video service provider or cable service provider, as defined by Section 66.002, Utilities Code;

(D) a gas utility, as defined by Section 101.003, Utilities Code, which for the purposes of this subsection includes a municipally owned utility as defined by that section;

(E) a gas utility, as defined by Section 121.001, Utilities Code;

(F) a pipeline used for the transportation or sale of oil, gas, or related products;

(G) an electric cooperative or municipally owned utility, as defined by Section 11.003, Utilities Code;

(H) a broadband provider, as defined by Section 253.0001, Utilities Code; or

(I) a retail water or sewer utility service, as defined by Section 13.002, Water Code.

Commentary by: Chelsey Oden
Source: SB 482 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Following Hurricane Beryl, reports emerged of utility workers encountering hostile behavior from the public while engaged in restoration efforts. This legislation is intended to ensure the protection and respectful treatment of utility personnel during disaster response operations. The bill expands Texas Penal Code Section 38.15 (Interference with Public Duties) to apply to conduct committed against utility workers. For the purposes of this section, the definition of "utility" is broadened to include broadband providers (as defined by Section 253.0001, Utilities Code) and retail water or sewer utility services (as defined by Section 13.002, Water Code), in addition to the entities already included in Penal Code Sections 22.01 and 42.07. A person commits a Class B misdemeanor if, with criminal negligence, they interrupt, disrupt, impede, or otherwise interfere with a utility employee or agent performing their duties. If the offense occurs in an area where an authorized party has declared a state of disaster or where an emergency evacuation order is in effect, the offense is elevated to a Class A misdemeanor.

Penal Code Sec. 39.06. MISUSE OF OFFICIAL INFORMATION.

(a) A public servant commits an offense if, in reliance on information to which the public servant has access by virtue of the person's office or employment and that has not been made public, the person:

(1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;

(2) speculates or aids another to speculate on the basis of the information; or

(3) as a public servant, including as a school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency.

(b) A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, he discloses or uses information for a nongovernmental purpose that:

(1) he has access to by means of his office or employment; and

(2) has not been made public.

(c) A person commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he solicits or receives from a public servant information that:

(1) the public servant has access to by means of his office or employment; and

(2) has not been made public.

(d) In this section, "information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Chapter 552, Government Code.

(e) Except as provided by Subsection (g) [~~(f)~~], an offense under this section is a felony of the third degree.

~~(f) An offense under Subsection (a)(3) is a Class C misdemeanor.~~

(g) If the commission of an offense under this section results in a net pecuniary gain to the person committing the offense, the offense is:

(1) a felony of the third degree if the net pecuniary gain is less than $150,000;

(2) a felony of the second degree if the net pecuniary gain is $150,000 or more but less than $300,000; or

(3) a felony of the first degree if the net pecuniary gain is $300,000 or more.

Commentary by: Chelsey Oden
Source: HB 2001
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Under current law, the criminal offense of misuse of official information is generally classified as a third degree felony, and as a Class C misdemeanor when committed by a public servant who coerces another person not to report pertinent information to law enforcement. With the changes introduced by this bill, the offense is generally classified as a third degree felony, subject to tiered penalties based on the actor's net pecuniary gain. A gain less than $150,000 is a third degree felony, a gain of $150,000 or more but less than $300,000 is a second degree felony, and a gain of $300,000 or more is a first degree felony.

Topic: Offenses Against Public Order and Decency

Penal Code Sec. 42.07. HARASSMENT.

(b) In this section:

(4) "Utility" has the meaning assigned by Section 22.01(e).

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

(1) the actor has previously been convicted under this section; [~~or~~]

(2) the offense was committed under Subsection (a)(7) or (8) and:

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

(i) commit suicide; or

(ii) engage in conduct causing serious bodily injury to the child; or

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

(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.

Commentary by: Chelsey Oden
Source: SB 482 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Following Hurricane Beryl, reports emerged of utility workers encountering hostile behavior from the public while engaged in restoration efforts. This legislation is intended to ensure the protection and respectful treatment of utility personnel during disaster response operations. The offense of Harassment (Penal Code §42.07) is currently classified as a Class B misdemeanor. This bill raises the offense to a Class A misdemeanor when it is committed against a utility employee or agent acting within the scope of their duties.

Penal Code Sec. 42.092. CRUELTY TO NONLIVESTOCK ANIMALS.

(b) A person commits an offense if the person intentionally, knowingly, [~~or~~] recklessly, or with criminal negligence:

(1) tortures an animal or in a cruel manner kills or causes serious bodily injury to an animal;

(2) without the owner's effective consent, kills, administers poison to, or causes serious bodily injury to an animal;

(3) fails unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody;

(4) abandons unreasonably an animal in the person's custody;

(5) transports or confines an animal in a cruel manner;

(6) without the owner's effective consent, causes bodily injury to an animal;

(7) causes one animal to fight with another animal, if either animal is not a dog;

(8) uses a live animal as a lure in dog race training or in dog coursing on a racetrack; or

(9) seriously overworks an animal.

(d-1) It is a defense to prosecution for alleged criminal negligence that the conduct occurred during the actual discharge of the actor's duties while employed as a veterinarian licensed under Chapter 801, Occupations Code, or as a person assisting the veterinarian.

Commentary by: Chelsey Oden
Source: HB 285
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Under current law, a person commits an offense under this statute if they intentionally, knowingly, or recklessly engage in acts prescribed by the statute. This amendment seeks to impose criminal liability on individuals who, acting with criminal negligence, engage in acts described in subsections (b)(1)–(9), thereby lowering the prosecutorial burden required to prove the offense. Additionally, the bill carves out an exception to prosecution in very limited circumstances. An individual employed as a licensed veterinarian, or as an assistant to one, cannot be prosecuted for criminal negligence under this section if the conduct occurred while they were performing their professional duties.

Penal Code Sec. 43.021. SOLICITATION OF PROSTITUTION.

(a) A person commits an offense if the person knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another.

(b) An offense under Subsection (a) is a state jail felony, except that the offense is:

(1) a felony of the third degree if the actor has previously been convicted of an offense under Subsection (a) or under Section 43.02(b), as that law existed before September 1, 2021; or

(2) a felony of the second degree if the person with respect to whom the actor offers or agrees to engage [~~pay the fee for the purpose of engaging~~] in sexual conduct is:

(A) younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of the offense;

(B) represented to the actor as being younger than 18 years of age; or

(C) believed by the actor to be younger than 18 years of age.

Commentary by: Chelsey Oden
Source: HB 1778
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill amends the circumstances in which an offense under Penal Code Section 43.021 (solicitation of prostitution) may be prosecuted as a second degree felony. It is no longer required to prove the actor offered or agreed to pay a fee to engage in sexual conduct with a person who was, or who the actor believed was, under 18 years of age. Instead, it must be shown the actor engaged in sexual conduct with a person who was, or who the actor believed was under 18 years of age.

Penal Code Sec. 43.05. COMPELLING PROSTITUTION.

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

(2) causes by any means a child younger than 18 years to commit prostitution, regardless of whether the actor knows the age of the child at the time of the offense; or

(3) causes by any means a disabled individual, as defined by Section 22.021(b), to commit prostitution, regardless of whether the actor knows the individual is disabled at the time of the offense.

(e) It is not a defense to prosecution under Subsection (a)(2) or (3) that the child or disabled individual:

(1) lacks the culpable mental state to engage in the act of prostitution; or

(2) did not complete the act of prostitution.

Commentary by: Chelsey Oden
Source: HB 2761
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

HB 2761 specifies that in cases involving compelling a child or disabled person to commit prostitution, it is not a valid legal defense to claim that the individual lacked the mental capacity to understand the act or that the act was not completed.

Penal Code Sec. 43.24. SALE, DISTRIBUTION, OR DISPLAY OF HARMFUL MATERIAL TO MINOR.

(b) A person commits an offense if, knowing that the material is harmful:

(1) and knowing the person is a minor, he sells, distributes, exhibits, or possesses for sale, distribution, or exhibition to a minor harmful material;

(2) he displays harmful material and is reckless about whether a minor is present who will be offended or alarmed by the display; or

(3) he hires, employs, or uses a minor to do or accomplish or assist in doing or accomplishing any of the acts prohibited in Subsection (b)(1) or (b)(2).

~~(c) It is an affirmative defense to prosecution under this section that the sale, distribution, or exhibition was by a person having scientific, educational, governmental, or other similar justification.~~

(c-2) It is an affirmative defense to prosecution under Subsection (b)(1) or (2) that at the time of the offense the actor was a judicial or law enforcement officer discharging the officer's official duties.

Penal Code Sec. 43.25. SEXUAL PERFORMANCE BY A CHILD.

(b) A person commits an offense if, knowing the character and content thereof, he employs, authorizes, or induces a child younger than 18 years of age to engage in sexual conduct or a sexual performance. A parent or legal guardian or custodian of a child younger than 18 years of age commits an offense if he consents to the participation by the child in a sexual performance.

(f) It is an affirmative defense to a prosecution under this section that:

(1) the defendant was the spouse of the child at the time of the offense;

(2) at the time of the offense the actor was a judicial or law enforcement officer discharging the officer's official duties [~~the conduct was for a bona fide educational, medical, psychological, psychiatric, judicial, law enforcement, or legislative purpose~~]; or

(3) the defendant is not more than two years older than the child.

Commentary by: Chelsey Oden
Source: SB 412
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill limits the affirmative defenses available to prosecution for sale, distribution, or display of harmful material to minor (Penal Code Sec. 43.24) and sexual performance by a child (Penal Code Sec. 43.25).

Under prosecution for an offense under Section 43.24 of the Penal Code, it is an affirmative defense if, at the time the offense was committed, the actor was a judicial officer or law enforcement officer carrying out their official duties. The application of the affirmative defense is limited to Subsection (b)(1), which involves the knowing sale, distribution, exhibition, or possession with intent to sell, distribute, or exhibit harmful material to a minor, and Subsection (b)(2), which involves the knowing display of harmful material while being reckless as to whether a minor is present.

The bill adds the same affirmative defense to prosecution for an offense under Section 43.25 (sexual performance by a child). This defense is in addition to the other statutory affirmative defenses already provided under that section. (Penal Code Sections 43.24(b)(1)-(3) or 43.25(b) are only included for context.)

Penal Code Sec. 43.26. POSSESSION OR PROMOTION OF CHILD PORNOGRAPHY

(a) In this section:

(1) "Depiction of a child" means, with respect to an image of a child contained in visual material:

(A) a depiction of a child who was younger than 18 years of age at the time the image of the child was made; or

(B) a depiction of a child:

(i) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(ii) whose image as a child younger than 18 years of age was used in creating, adapting, or modifying the visual material, including computer-generated visual material that was created, adapted, or modified using an artificial intelligence application or other computer software.

(2) "Depiction of a computer-generated child" means, with respect to an image of a child contained in visual material, a depiction:

(A) appearing to be a child younger than 18 years of age;

(B) created using an artificial intelligence application or other computer software; and

(C) that to a reasonable person is virtually indistinguishable from an actual child younger than 18 years of age.

(3) "Promote" and "sexual conduct" have the meanings assigned by Section 43.25.

(4) "School library" means a library of a public or private primary or secondary school.

(5) "Visual material" means:

(A) any film, photograph, videotape, negative, or slide or any photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative, or slide; or

(B) any disk, diskette, or other physical medium, or a file in any digital format, that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method.

(a-1) A person commits an offense if:

(1) the person intentionally or knowingly [~~or intentionally~~] possesses, or [~~knowingly or~~] intentionally or knowingly accesses with intent to view, visual material that contains a visual depiction of [~~visually depicts~~] a child [~~younger than 18 years of age at the time the image of the child was made who is~~] engaging in sexual conduct, including a depiction of a child engaging [~~who engages~~] in sexual conduct as a victim of an offense under Section 20A.02(a)(5), (6), (7), or (8); and

(2) the person knows or should have known that the depiction [~~material depicts the child as~~] described by Subdivision (1) is of a child younger than 18 years of age at the time the image of the child was made.

(a-2) A person commits an offense if the person:

(1) intentionally or knowingly possesses, or intentionally or knowingly accesses with intent to view, visual material that contains a visual depiction of a computer-generated child engaging in sexual conduct; and

(2) either:

(A) knows or should have known that the depiction described by Subdivision (1) appears to be of a child younger than 18 years of age; or

(B) believes that the depiction is of an actual child younger than 18 years of age at the time the image of the child was made.

(c-1) An offense under Subsection (a-1) is a felony of the third degree, except that the offense is:

(1) a felony of the second degree if it is shown on the trial of the offense that the actor:

(A) has been previously convicted one time of an offense:

(i) under this chapter; or

(ii) described by Article 62.001(5), Code of Criminal Procedure; or

(B) possesses visual material that contains 10 or more visual depictions of a child engaging in sexual conduct as described by Subsection (a-1)(1) but fewer than 50 such depictions;

(2) a felony of the first degree if it is shown on the trial of the offense that the actor:

(A) has been previously convicted two or more times of an offense, or any combination of offenses:

(i) under this chapter; or

(ii) described by Article 62.001(5), Code of Criminal Procedure; or

(B) possesses visual material that:

(i) contains 50 or more visual depictions of a child engaging in sexual conduct as described by Subsection (a-1)(1); or

(ii) visually depicts conduct constituting an offense under Section 22.011(a)(2); or

(3) a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that:

(A) at the time of the offense, the actor was:

(i) an employee at a child-care facility or a residential child-care facility, as those terms are defined by Section 42.002, Human Resources Code;

(ii) an employee at a residential treatment facility established under Section 221.056, Human Resources Code;

(iii) an employee at a shelter or facility that serves youth and that receives state funds; or

(iv) receiving state funds for the care of a child depicted by the visual material; or

(B) the actor displayed the visual material or caused the visual material to be displayed in a school library.

(c-2) If it is shown on the trial of an offense under Subsection (a-1) that the visual material contained a depiction of a child younger than 10 years of age at the time the image of the child was made engaging in sexual conduct as described by Section (a-1)(1):

(1) an offense punishable under Subsection (c-1) as a felony of the second or third degree is increased to the next higher category of offense; or

(2) the minimum term of imprisonment for an offense described for purposes of punishment by Subsection (c-1)(2) is increased to 15 years.

(c-3) An offense under Subsection (a-2) is a state jail felony, except that the offense is:

(1) a felony of the third degree if it is shown on the trial of the offense that the actor:

(A) has been previously convicted one time of an offense:

(i) under this chapter; or

(ii) described by Article 62.001(5), Code of Criminal Procedure; or

(B) possesses visual material that contains 10 or more visual depictions of a computer-generated child engaging in sexual conduct as described by Subsection (a-2)(1) but fewer than 50 such depictions;

(2) a felony of the second degree if it is shown on the trial of the offense that the actor:

(A) has been previously convicted two or more times of an offense, or any combination of offenses:

(i) under this chapter; or

(ii) described by Article 62.001(5), Code of Criminal Procedure; or

(B) possesses visual material that contains 50 or more visual depictions of a computer-generated child engaging in sexual conduct as described by Subsection (a-2)(1); or

(3) a felony of the second degree with a minimum term of imprisonment of 10 years if it is shown on the trial of the offense that:

(A) at the time of the offense, the actor was an employee described by Subsection (c-1)(3)(A)(i), (ii), or (iii); or

(B) the actor displayed the visual material or caused the visual material to be displayed in a school library.

(c-4) If it is shown on the trial of an offense under Subsection (a-2) that the visual material contained a depiction of a computer-generated child who appears to be younger than 10 years of age and is engaging in sexual conduct as described by Subsection (a-2)(1), the punishment for the offense is increased to the punishment for the next higher category of offense, provided that the minimum term of imprisonment for an offense de-

scribed for purposes of punishment by Subsection (c-3)(3) is 10 years.

(e) A person commits an offense if:

(1) the person intentionally or knowingly [~~or intentionally~~] promotes or possesses with intent to promote visual material described by Subsection (a-1)(1) [~~(a)(1)~~]; and

(2) the person knows or should have known that the depiction [~~material depicts the child as~~] described by Subsection (a-1)(1) is of a child younger than 18 years of age at the time the image of the child was made [~~(a)(1)~~].

(e-1) A person commits an offense if the person:

(1) intentionally or knowingly promotes or possesses with intent to promote visual material described by Subsection (a-2)(1); and

(2) either:

(A) knows or should have known that the depiction described by Subsection (a-2)(1) appears to be of a child younger than 18 years of age; or

(B) believes that the depiction is of an actual child younger than 18 years of age at the time the image of the child was made.

(f) In the prosecution of an offense under Subsection (a-1) or (e):

(1) the state is not required to prove the identity of the child in the depiction described by Subsection (a-1)(1); and

(2) there is a rebuttable presumption that the depiction is of an actual child, as described by Subsection (a)(1)(A) or (B), and not of a computer-generated child, as described by Subsection (a)(2).

(g) An offense under Subsection (e) is a felony of the second degree, except that the offense is:

(1) a felony of the first degree if it is shown on the trial of the offense that the actor:

(A) [~~person~~] has been previously convicted one or more times of an offense:

(i) under this chapter; or

(ii) described by Article 62.001(5), Code of Criminal Procedure;

(B) promotes or possesses with intent to promote visual material that contains 10 or more visual depictions of a child engaging in sexual conduct as described by Subsection (a-1)(1) but fewer than 50 such depictions; or

(C) promotes or possesses with intent to promote visual material that contains one or more visual depictions of a child who appears to be younger than 10 years of age and is engaging in sexual conduct as described by Subsection (a-1)(1); or

(2) a felony of the first degree with a minimum term of imprisonment of 15 years if it is shown on the trial of the offense that the actor promotes or possesses with intent to promote visual material that:

(A) contains 50 or more visual depictions of a child engaging in sexual conduct as described by Subsection (a-1)(1); or

(B) visually depicts conduct constituting an offense under Section 22.011(a)(2) with respect to a depiction of a child [~~that subsection~~].

(g-1) An offense under Subsection (e-1) is a felony of the third degree, except that the offense is:

(1) a felony of the second degree if it is shown on the trial of the offense that the person:

(A) has been previously convicted one or more times of an offense:

(i) under this chapter; or

(ii) described by Article 62.001(5), Code of Criminal Procedure;

(B) promotes or possesses with intent to promote visual material that contains 10 or more visual depictions of a computer-generated child engaging in sexual conduct as described by Subsection (a-2)(1); or

(C) promotes or possesses with intent to promote visual material that contains one or more visual depictions of a computer-generated child who appears to be younger than 10 years of age and is engaging in sexual conduct as described by Subsection (a-2)(1); or

(2) a felony of the second degree with a minimum term of imprisonment of 10 years if it is shown on the trial of the offense that the person promotes or possesses with intent to promote visual material that contains 50 or more visual depictions of a computer-generated

child engaging in sexual conduct as described by Subsection (a-2)(1).

(h) It is a defense to prosecution under this section [~~Subsection (a) or (e)~~] that the actor is a law enforcement officer or a school administrator who:

(1) possessed or accessed the visual material in good faith solely as a result of an allegation of a violation of Section43.261;

(2) allowed other law enforcement or school administrative personnel to possess or access the material only as appropriate based on the allegation described by Subdivision (1); and

(3) took reasonable steps to destroy the material within an appropriate period following the allegation described by Subdivision (1).

(h-1) It is an affirmative defense to prosecution under this section that at the time of the offense the actor was a judicial or law enforcement officer discharging the officer's official duties.

(h-2) It is an affirmative defense to prosecution under Subsection (a-2) or (e-1) that the actor is not more than two years older than the depicted child.

Commentary by: Chelsey Oden
Source: SB 1621
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Under existing law, an individual commits an offense by knowingly or intentionally possessing or accessing, with intent to view, visual material that depicts a child—under the age of 18 at the time the image was created—engaged in sexual conduct, including as a victim of specified trafficking offenses, provided the individual is aware that the material depicts a child. Concerns have been raised regarding the statute's lack of clarity on the use of artificial intelligence in such cases. SB 1621 aims to address those concerns.

The bill revises the statute to clarify that a person commits an offense under Subsections (a-1) or (e) if they knowingly or intentionally possess or access, with intent to view, or promote or possess with intent to promote, visual material depicting a child engaged in sexual conduct—including as a victim of trafficking under Section 20A.02(a)(5) through (8)—and the person knew or *reasonably should have known* that the individual depicted was under 18 years of age. In the prosecution of an offense under (a-1) and (e), the state is not required to prove the child's identity and the depiction is presumed to be an actual child and not of a computer-generated child. If the actor knowingly or intentionally possesses or accesses, with the intent to view the material, the offense is classified as a third degree felony. If the actor knowingly or intentionally promotes or possesses, with the intent to promote, the material, the offense is classified as a second degree felony, unless otherwise enhanced.

Additionally, an individual commits an offense under Subsection (a-2) or (e-1) by knowingly or intentionally possessing, accessing with intent to view, or promoting or possessing with the intent to promote, visual material that depicts an artificially generated child engaged in sexual conduct, if the individual either knew or *reasonably should have known* the depicted person was under 18, or believed the depiction to represent an actual minor at the time it was created. An offense under subsection (a-2) is classified as a state jail felony, and an offense under Subsection (e-1) is classified as a third degree felony, unless otherwise enhanced. Subsection (h-2) establishes an affirmative defense to prosecution under these subsections if the individual is not more than 2 years older than the child depicted.

If the individual has previously been convicted once under Chapter 43 of the Penal Code or has a reportable conviction or adjudication as defined by Article 62.001(5) of the Code of Criminal Procedure, an offense under subsections (a-1), (a-2), (e), and (e-1) are increased to the next higher category of offense (e.g., third degree felony to second degree felony).

If the individual has previously been convicted two or more times under Chapter 43 of the Penal Code, or has two or more reportable convictions or adjudications as defined by Article 62.001(5) of the Code of Criminal Procedure, the punishment for an offense under Subsections (a-1) and (a-2) is elevated by two levels—to the second next higher category of offense (e.g., under Subsection (a-1), from a third degree felony to a first degree felony).

If the individual possesses, promotes, or possesses with intent to promote visual material which contains 10 or more but less than 50 visual depictions of an actual child or computer-generated child engaging in sexual conduct, the punishment for an offense under Subsections (a-1), (a-2), (e), and (e-1) is increased to the next higher category of offense (e.g., under Subsections (a-1) and (e), from a third degree felony to a second degree felony and a second degree felony to first degree felony, respectively).

If the individual possesses visual material which contains 50 or more visual depictions of an actual child or a computer-generated child engaging in sexual conduct, an offense under Subsections (a-1) and (a-2) are increased to the next higher category of offense (e.g., under Subsection (a-1) (actual child), from a second degree felony to a first degree felony). Similarly, if the individual promotes or possesses with the intent to promote visual material which contains 50 or more visual depictions of an actual child or a computer-generated child engaging in sexual conduct, an offense under Subsections (e) and (e-1) become a first degree felony with a minimum term of imprisonment of 15 years and second degree felony with a minimum term of imprisonment of 10 years, respectively.

Additionally, if the visual material depicts conduct that constitutes the offense of sexual assault of a child as defined by Section 22.011(a)(2) of the Penal Code, an offense under Subsection (a-1) is classified as a first degree felony, and an offense under Subsection (e) is classified as a first degree felony with a minimum term of imprisonment of 15 years.

Further, an offense is a felony of the first degree under subsection (a-1) punishable by imprisonment for life or for a term of not less than 25 years and not more than 99 years and a felony of the second degree under subsection (a-2) if the individual displays the visual material or causes it to be displayed in a school library or if, at the time of the offense, the individual was an employee at a child-care or residential child-care facility (see Human Resources Code Sec. 221.056), an employee at a residential treatment facility (see Human Resources Code Sec. 221.056), or an employee at a shelter or facility which receives state funds and serves youth. Additionally, when the individual was receiving state funds for the care of a child depicted in the visual material, the offense is considered a first degree felony under subsection (a-1) punishable by imprisonment for life or for a term of not less than 25 years and not more than 99 years

If it is shown the visual material contained a depiction of an actual or computer-generated child younger than 10 years of age at the time the material was captured, the offense level under Subsection (a-1) is increased to the next higher category of offense. If an offense under Subsection (a-1) is already considered a first degree felony and it is shown the visual material contained a depiction of a child younger than 10 years of age at the time the material was captured, the minimum term of imprisonment is increased from 5 to 15 years. Likewise, under subsection (a-2), if it is shown that the computer-generated child appears to be younger than 10 years old, the punishment becomes more severe. Specifically, the offense is bumped up to the next higher level of felony. If the individual is already facing a second degree felony under subsection (a-2), the minimum prison sentence increases from 2 years to 10 years. Under the same circumstances, an offense under Subsections (e) and (e-1) are increased to the next higher category of offense (e.g., under subsection (e-1), from a third degree felony to a second degree felony).

Subsection (h-1) establishes an affirmative defense to prosecution under Section 43.26 if the individual, at the time of the offense, was a judicial or law enforcement officer discharging official duties.

The bill also defines the following terms under Section 43.26(a): "depiction of a child," "depiction of a computer-generated child," "promote," "sexual conduct," "school library," and "visual material."

Penal Code Sec. 43.26. POSSESSION OR PROMOTION OF CHILD PORNOGRAPHY.

(d) An offense under Subsection (a) is:

(1) a felony of the third degree if the person possesses visual material that contains fewer than 10 [~~100~~] visual depictions of a child as described by Subsection (a)(1);

(2) a felony of the second degree if the person possesses visual material that contains 10

[~~100~~] or more visual depictions of a child as described by Subsection (a)(1) but fewer than 50 [~~500~~] such depictions;

(3) a felony of the first degree if the person:

(A) possesses visual material that contains 50 [~~500~~] or more visual depictions of a child as described by Subsection (a)(1); or

(B) possesses visual material of conduct constituting an offense under Section 22.011(a)(2); or

(4) a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that, at the time of the offense, the person was:

(A) an employee at a child-care facility or a residential child-care facility, as those terms are defined by Section 42.002, Human Resources Code;

(B) an employee at a residential treatment facility established under Section 221.056, Human Resources Code;

(C) an employee at a shelter or facility that serves youth and that receives state funds; or

(D) receiving state funds for the care of a child depicted by the visual material.

~~(d-1) If it is shown on the trial of an offense under Subsection (a) that the visual material depicted a child younger than 10 years of age at the time the image of the child was made or that the defendant has been previously convicted of an offense under that subsection:~~

~~(1) an offense described for purposes of punishment by Subsection (d)(1) or (2) is increased to the next higher category of offense; or~~

~~(2) the minimum term of confinement for an offense described for purposes of punishment by Subsection (d)(3) is increased to 15 years.~~

~~(d-2) The enhancement provided by Subsection (d-1) is unavailable if the person is also prosecuted under Subsection (e) for conduct occurring during the same criminal episode.~~

(g) An offense under Subsection (e) is a felony of the first [~~second~~] degree, except that the offense is a felony of the first degree with a minimum term of confinement of 15 years if:

(1) the person promotes or possesses with intent to promote:

(A) visual material that contains 50 or more visual depictions of a child as described by Subsection (a)(1); or

(B) visual material of conduct constituting an offense under Section 22.011(a)(2); and

(2) it is shown on the trial of the offense that the person has been previously convicted of an offense under this section [~~that subsection~~].

Commentary by: Chelsey Oden
Source: HB 1778
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

HB 1778 also amends the penalty structure for an offense committed under Section 43.26(a) (possession of child pornography): it is a third degree felony for possessing fewer than ten visual depictions of a child, a second degree felony for possessing 10 or more but fewer than 50 depictions, and a first degree felony for possessing more than 50 depictions or for possessing visual material that depicts conduct constituting an offense under Section 22.011(a)(2) (sexual assault involving a child victim), in addition to the previously established circumstances. Additionally, the bill amends the penalty structure for an offense committed under Section 43.26(e) (promotion or possession with intent to promote child pornography). An offense under subsection (e) is considered a first degree felony. In three circumstances, the offense is considered a first degree felony with a minimum term of confinement of 15 years – material contains 50 or more visual depictions of a child, material contains conduct constituting sexual assault of a child, and the individual is shown to have been previously convicted for an offense under Section 43.26.

There are conflicting amendments to the penalty structure to an offense committed under Subsection (e) between HB 1778 and SB 1621 (*see above*). However, since SB 1621 received the most recent vote in the legislature, its provisions will prevail over those in HB 1778 where conflicts exist. As such, an offense committed under Subsection (e) (actor knowingly or intentionally promotes or possesses, with the intent to promote,

such material) is considered a second degree felony, unless otherwise enhanced (when individual has previously been convicted once under Chapter 43 of the Penal Code or has a reportable conviction or adjudication as defined by Article 62.001(5) of the Code of Criminal Procedure, an offense under Subsection (e) is increased to a first degree felony offense).

Penal Code Sec. 43.261. ELECTRONIC TRANSMISSION OF CERTAIN VISUAL MATERIAL DEPICTING MINOR.

(b) A person who is a minor commits an offense if the person intentionally or knowingly:

(1) by electronic means promotes to another minor visual material depicting a minor, including the actor, engaging in sexual conduct, if the actor produced the visual material or knows that another minor produced the visual material; or

(2) possesses in an electronic format visual material depicting another minor engaging in sexual conduct, if the actor produced the visual material or knows that another minor produced the visual material.

(b-1) For purposes of conduct prohibited under Subsection (b), visual material to which that conduct applies includes:

(1) a depiction of a minor:

(A) [~~(1)~~] who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(B) [~~(2)~~] whose image as a minor was used in creating, adapting, or modifying the visual material, including computer generated visual material that was created, adapted, or modified using an artificial intelligence application or other computer software; or

(2) a depiction of a minor, created using an artificial intelligence application or other computer software, that to a reasonable person is virtually indistinguishable from an actual minor.

Penal Code Sec. 43.262. POSSESSION OR PROMOTION OF LEWD VISUAL MATERIAL DEPICTING CHILD.

(b-1) For purposes of conduct prohibited under Subsection (b), visual material to which that conduct applies includes:

(1) a depiction of a child:

(A) [~~(1)~~] who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(B) [~~(2)~~] whose image as a child younger than 18 years of age was used in creating, adapting, or modifying the visual material, including computer-generated visual material that was created, adapted, or modified using an artificial intelligence application or other computer software; or

(2) a depiction of a child, created using an artificial intelligence application or other computer software, that to a reasonable person is virtually indistinguishable from an actual child younger than 18 years of age.

Commentary by: Chelsey Oden
Source: SB 1621
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill also broadens the scope of visual material covered under Sections 43.261 (electronic transmission of certain visual material depicting a minor) and 43.262 (possession or promotion of lewd visual material depicting a child). Newly added Subsections 43.261(b-1)(2) and 43.262(b-1)(2) specify that visual material includes depictions of minors created using artificial intelligence or other computer software that, to a reasonable person, are virtually indistinguishable from actual minors.

Topic: Weapons

Penal Code Sec. 46.01. DEFINITIONS.

(1) "Club" means an instrument that is specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to the following:

(A) blackjack;

(B) nightstick;

(C) mace;

(D) tomahawk.

(2) "Explosive weapon" means any explosive or incendiary bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

(3) "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter and that is:

(A) an antique or curio firearm manufactured before 1899; or

(B) a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition.

(4) Repealed by Acts 2021, 87th Leg., R.S., Ch. 642 (H.B. 957), Sec. 3, eff. September 1, 2021.

(5) "Handgun" means any firearm that is designed, made, or adapted to be fired with one hand.

(6) "Location-restricted knife" means a knife with a blade over five and one-half inches.

(7) "Knife" means any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument.

(8) Repealed by Acts 2019, 86th Leg., R.S., Ch. 216 (H.B. 446), Sec. 4, eff. September 1, 2019.

(9) "Machine gun" means any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

~~(10) "Short-barrel firearm" means a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches.~~

(11) Repealed by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 15.002, eff. September 1, 2017.

(12) "Armor-piercing ammunition" means handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used principally in pistols and revolvers.

(13) "Hoax bomb" means a device that:

(A) reasonably appears to be an explosive or incendiary device; or

(B) by its design causes alarm or reaction of any type by an official of a public safety agency or a volunteer agency organized to deal with emergencies.

(14) "Chemical dispensing device" means a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being.

(15) "Racetrack" has the meaning assigned that term by Section 2021.003(41), Occupations Code.

(16) "Zip gun" means a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

(17) "Tire deflation device" means a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of

a wheeled vehicle by puncturing one or more of the vehicle's tires. The term does not include a traffic control device that:

(A) is designed to puncture one or more of a vehicle's tires when driven over in a specific direction; and

(B) has a clearly visible sign posted in close proximity to the traffic control device that prohibits entry or warns motor vehicle operators of the traffic control device.

(18) "Volunteer emergency services personnel" includes a volunteer firefighter, an emergency medical services volunteer as defined by Section 773.003, Health and Safety Code, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined by Section 1701.001, Occupations Code, who is performing law enforcement duties.

(19) "Improvised explosive device" means a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components. The term does not include:

(A) unassembled components that can be legally purchased and possessed without a license, permit, or other governmental approval; or

(B) an exploding target that is used for firearms practice, sold in kit form, and contains the components of a binary explosive.

(20) "First responder" means a public safety employee whose duties include responding rapidly to an emergency. The term includes fire protection personnel as defined by Section 419.021, Government Code, and emergency medical services personnel as defined by Section 773.003, Health and Safety Code. The term does not include:

(A) volunteer emergency services personnel;

(B) an emergency medical services volunteer, as defined by Section 773.003, Health and Safety Code; or

(C) a peace officer or reserve law enforcement officer, as those terms are defined by Section 1701.001, Occupations Code, who is performing law enforcement duties.

Penal Code Sec. 46.05. PROHIBITED WEAPONS.

(a) A person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the United States Department of Justice:

(A) an explosive weapon; or

(B) a machine gun; [~~or~~

[~~(C) a short-barrel firearm;~~]

(2) armor-piercing ammunition;

(3) a chemical dispensing device;

(4) a zip gun;

(5) a tire deflation device; or

(6) an improvised explosive device.

(d) It is an affirmative defense to prosecution under this section that the actor's conduct:

(1) was incidental to dealing with a [~~short-barrel firearm or~~] tire deflation device solely as an antique or curio;

(2) was incidental to dealing with armor-piercing ammunition solely for the purpose of making the ammunition available to an organization, agency, or institution listed in Subsection (b); or

(3) was incidental to dealing with a tire deflation device solely for the purpose of making the device available to an organization, agency, or institution listed in Subsection (b).

Commentary by: Chelsey Oden
Source: SB 1596
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill decriminalizes intentionally or knowingly possessing, manufacturing, transporting,

repairing, or selling a short-barrel firearm. It also repeals the definition of "short-barrel firearm" from Section 46.01 of the Texas Penal Code.

Topic: Offenses Against Public Health, Safety, and Morals

Penal Code Sec. 49.04. DRIVING WHILE INTOXICATED.

(a) A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place.

(b) Except as provided by Subsections (c), [~~and~~] (d), and (e) and Section 49.09, an offense under this section is a Class B misdemeanor, with a minimum term of confinement of 72 hours.

(c) If it is shown on the trial of an offense under this section that at the time of the offense the person operating the motor vehicle had an open container of alcohol in the person's immediate possession, the offense is a Class B misdemeanor, with a minimum term of confinement of six days.

(d) If it is shown on the trial of an offense under this section that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a Class A misdemeanor.

(e) If it is shown on the trial of an offense under this section that at the time of the offense the person was operating the motor vehicle in a school crossing zone during the time the reduced speed limit applies to the zone, the offense is a state jail felony. In this subsection, "school crossing zone" has the meaning assigned by Section 541.302, Transportation Code.

Commentary by: Chelsey Oden
Source: SB 826
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill elevates the offense of driving while intoxicated to a state jail felony when the act occurs within a school crossing zone, as defined by Section 541.302 of the Transportation Code.

Penal Code Sec. 49.09. ENHANCED OFFENSES AND PENALTIES.

(a) Except as provided by Subsection (b), an offense under Section 49.04, 49.05, 49.06, or 49.065 is a Class A misdemeanor, with a minimum term of confinement of 30 days, if it is shown on the trial of the offense that the person has previously been convicted one time of an offense relating to the operating of a motor vehicle while intoxicated, an offense of operating an aircraft while intoxicated, an offense of operating a watercraft while intoxicated, or an offense of operating or assembling an amusement ride while intoxicated.

(b) An offense under Section 49.04, 49.045, 49.05, 49.06, 49.061, or 49.065 is a felony of the third degree if it is shown on the trial of the offense that the person has previously been convicted:

(1) one time of an offense under Section 49.08 or an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense under Section 49.08; or

(2) two times of any other offense relating to the operating of a motor vehicle while intoxicated, operating an aircraft while intoxicated, operating a watercraft while intoxicated, or operating or assembling an amusement ride while intoxicated.

(b-1) An offense under Section 49.07 is:

(1) a felony of the second degree if it is shown on the trial of the offense that the person caused serious bodily injury to a firefighter or emergency medical services personnel while in the actual discharge of an official duty; or

(2) a felony of the first degree if it is shown on the trial of the offense that the person caused serious bodily injury to a peace officer or judge while the officer or judge was in the actual discharge of an official duty.

(b-2) An offense under Section 49.08 is a felony of the first degree if it is shown on the trial of the offense that the person caused the death of:

(1) a person described by Subsection (b-1); or

(2) more than one person during the same criminal transaction.

Commentary by: Chelsey Oden
Source: SB 745
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Under current law, intoxication manslaughter is classified as a second degree felony, except when it results in the death of a firefighter, emergency medical services personnel, peace officer, or judge who is performing official duties. In such cases, it is considered a first degree felony. Under the change introduced in this bill, intoxication manslaughter will also be considered a first degree felony if it is proven at trial that the person caused the death of more than one person during the same criminal transaction.

Health and Safety Code

Topic: Chemical Dependency Treatment

Health and Safety Code Sec. 462.001. DEFINITIONS.

(4) "Commission" means the Health and Human Services Commission.

Health and Safety Code Sec. 462.064. CERTIFICATE OF MEDICAL EXAMINATION FOR CHEMICAL DEPENDENCY.

(c) A certificate must be dated and signed by the examining physician. The certificate must include:

(1) the name and address of the examining physician;

(2) the name and address of the proposed patient;

(3) the date and place of the examination;

(4) the period, if any, during which the proposed patient has been under the care of the examining physician;

(5) an accurate description of the treatment, if any, given by or administered under the direction of the examining physician; and

(6) the examining physician's opinion stating [~~opinions whether~~] the proposed patient is a person with a chemical dependency and, as a result of that chemical dependency:

(A) is likely to cause serious harm to the person;

(B) is likely to cause serious harm to others; or

(C) will continue to suffer abnormal mental, emotional, or physical distress and to deteriorate in ability to function independently if not treated and is unable to make a rational and informed choice as to whether or not to submit to treatment.

Health and Safety Code Sec. 462.069. COURT ORDER AND PLACE OF TREATMENT.

(a) Except as provided by Section 462.080(b), the [~~The~~] court shall commit the proposed patient to a treatment facility approved by the commission [~~department~~] to accept court commitments for at least 30 days but not more than 90 days if:

(1) the proposed patient admits the allegations of the application; or

(2) at the hearing on the merits, the court or jury finds that the material allegations in the application have been proved by clear and convincing evidence.

Health and Safety Code Sec. 462.075. HOSPITIALIZATION OUTSIDE TREATMENT FACILITY.

(f) Except as provided by Section 462.080(b), the [~~The~~] court shall commit the proposed patient to a treatment facility approved by the commission [~~department~~] to accept commitments for at least 30 days but not more than 90 days if:

(1) the proposed patient admits the allegations of the application; or

(2) at the hearing on the merits, the court or jury finds that the material allegations in the application have been proved by clear and convincing evidence.

Health and Safety Code Sec. 462.080. RELEASE FROM COURT-ORDERED TREATMENT.

(b) The administrator may discharge a patient before the court order expires if the administrator or physician treating the patient determines that the patient no longer meets the criteria for court-ordered treatment.

Health and Safety Code Sec. 462.081. COMMITMENT BY COURTS IN CRIMINAL PROCEEDINGS; ALTERNATIVE SENTENCING.

(a) Except as provided by Section 462.080(b), the [~~The~~] judge of a court with jurisdiction of misdemeanor cases may remand the defendant to a

treatment facility approved by the commission [~~department~~] to accept court commitments for care and treatment for at least 30 days but not more than 90 days, instead of incarceration or fine, if:

(1) the court or a jury has found the defendant guilty of an offense classified as a Class A or B misdemeanor;

(2) the court finds that the offense resulted from or was related to the defendant's chemical dependency;

(3) a treatment facility approved by the commission [~~department~~] is available to treat the defendant; and

(4) the treatment facility agrees in writing to admit the defendant under this section.

(d) Except as provided by Section 462.080(b), a [~~A~~] juvenile court may remand a child to a treatment facility for care and treatment for at least 30 days but not more than 90 days after the date on which the child is remanded if:

(1) the court finds that the child has engaged in delinquent conduct or conduct indicating a need for supervision and that the conduct resulted from or was related to the child's chemical dependency;

(2) a treatment facility approved by the commission [~~department~~] to accept court commitments is available to treat the child; and

(3) the facility agrees in writing to receive the child under this section.

Commentary by: Chelsey Oden
Source: HB 171
Effective Date: September 1, 2025
Applicability: Applies only to an application for court-ordered treatment for chemical dependency that is filed on or after the effective date of this act

Summary of Changes

Under current law, individuals struggling with chemical dependency may be ordered by the court to undergo treatment at a designated facility for a period not exceeding 90 days. However, the statute does not prescribe a minimum duration for such treatment. This bill, also known as the Anell Borrego Act, introduces a minimum treatment period of 30 days. The bill is named in memory of Anell Borrego, who tragically passed away at the age of 23 after years of cycling through short-term rehabilitation programs. In addition to the administrator, the bill grants the treating physician the authority to discharge a patient once it is determined that the individual no longer meets the legal requirements for court-ordered treatment.

Topic: Controlled Substances Act

Health and Safety Code Sec. 481.002. DEFINTIONS.

(50) “Abuse unit” means:

(A) except as provided by Paragraph (B):

(i) a single unit on or in any adulterant, dilutant, or similar carrier medium, including marked or perforated blotter paper, a tablet, gelatin wafer, sugar cube, or stamp, or other medium that contains any amount of a controlled substance listed in Penalty Group 1-A, if the unit is commonly used in abuse of that substance; or

(ii) each 10 milligrams [~~quarter-inch square section~~] of paper, calculated by rounding the weight down to the nearest whole number, if the adulterant, dilutant, or carrier medium is paper not marked or perforated into individual abuse units; or

(B) if the controlled substance is in liquid or solid form, 40 micrograms of the controlled substance including any adulterant or dilutant.

Commentary by: Chelsey Oden
Source: SB 1936
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill aims to create more consistent forensic analysis and accounting of LSD (lysergic acid diethylamide). Offenses related to the possession, manufacture, or delivery of controlled substances in Penalty Group 1-A are categorized by the number of “abuse units.” The bill redefines that term to mean each 10 milligrams of paper, rather than each quarter-inch square section of paper, containing any amount of specific controlled sub-

stances. The total weight is determined by rounding down to the nearest whole number.

Health and Safety Code Sec. 481.142.: USE OF SOCIAL MEDIA PLATFORM FOR DELIVERY OF CONTROLLED SUBSTANCE.

(a) "Social media platform" has the meaning assigned by Section 120.001, Business & Commerce Code.

(b) If it is shown on the trial of an offense under Section 481.112, 481.1121, 481.1123, 481.113, 481.114, 481.119, 481.120, or 481.122, involving the delivery of a controlled substance that the defendant used a social media platform in furtherance of the offense, the punishment for the offense is increased to the punishment prescribed by the next higher category of offense, except that the punishment for a felony of the first degree is increased by five years and the maximum fine for the offense is doubled.

Commentary by: Chelsey Oden
Source: SB 1833
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

The bill provides for enhanced penalties if, during prosecution for certain controlled substance offenses under Chapter 481, it is established that the defendant utilized a social media platform, as defined in Section 120.001 of the Business and Commerce Code, to facilitate the delivery of the substance. In such cases, the penalty is elevated to that of the next higher offense category. If the offense is already classified as a first degree felony, the sentence is enhanced by an additional five years of imprisonment, and the maximum applicable fine is doubled.

Sex Offenses

Topic: Reportable Convictions or Adjudications

Code of Criminal Procedure Art. 62.001. DEFINITIONS

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or disabled individual), 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.04 (Aggravated promotion of prostitution), 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(B-1) a violation of Section 43.021 (Solicitation of Prostitution), Penal Code, if the offense is punishable as a felony of the second degree;

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;

(D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in Paragraph (A) or (C);

(E) a violation of Section 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping), Penal Code, if, as applicable:

(i) the judgment in the case contains an affirmative finding under Article 42.015; or

(ii) the order in the hearing or the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age;

(F) the second violation of Section 21.08 (Indecent exposure), Penal Code, but not if the second violation results in a deferred adjudication;

(G) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E), (G), (J), (K), [~~or~~] (L), or (M), but not if the violation results in a deferred adjudication;

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication;

(J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code;

(K) a violation of Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of persons), Penal Code; [~~or~~]

(L) a violation of Section 20A.03 (Continuous trafficking of persons), Penal Code, if the offense is based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8) of that code; or

(M) a violation of Section 15.032 (Child grooming), Penal Code.

Commentary by: Chelsey Oden
Source: HB 2000
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill, also called "Audrii's Law," was enacted in response to the murder of 11-year-old Audrii Cunningham and aims to ensure that individuals convicted or adjudicated of child grooming are required to register under the sex offender registration program.

Code of Criminal Procedure Art. 62.001. DEFINITIONS

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or disabled individual), 21.09 (Bestiality), 21.11 (Indecency with a child), 21.15 (Invasive visual recording), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

Commentary by: Chelsey Oden
Source: HB 1465
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Under this bill, individuals convicted or adjudicated for the offense of invasive visual recording, as defined in Penal Code §21.15, will be required to register under the state's sex offender registration program.

Topic: Failure to Register Offense

Code of Criminal Procedure Art. 62.102. FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.

(a) A person commits an offense if the person is required to register and fails to comply with any requirement of this chapter.

(b) An offense under this article is:

(1) a state jail felony if the actor is a person whose duty to register expires under Article 62.101(b) or (c);

(2) a felony of the third degree if the actor is a person whose duty to register expires under Article 62.101(a) and who is required to verify registration once each year under Article 62.058; and

(3) a felony of the second degree if the actor is a person whose duty to register expires under Article 62.101(a) and who is required to verify registration once each 90-day period under Article 62.058.

(c) If it is shown at the trial of a person for an offense or an attempt to commit an offense under this article that the person has previously been convicted of an offense or an attempt to commit an offense under this article, the [~~punishment for the~~] offense or the attempt to commit the offense is increased to the [~~punishment for the~~] next highest category of offense [~~degree of felony~~].

(d) If it is shown at the trial of a person for an offense under this article or an attempt to commit an offense under this article that the person fraudulently used identifying information in violation of Section 32.51, Penal Code, during the commission or attempted commission of the offense, the [~~punishment for the~~] offense or the attempt to commit the offense is increased to [~~the punishment for~~] the next highest category of offense [~~degree of felony~~].

Commentary by: Chelsey Oden
Source: HB 2407
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

Currently, if a person required to register fails to do so and has a prior conviction for the same offense, the punishment for the current failure to register is enhanced to the next highest degree of felony. The same enhancement applies when it is shown that the person used or provided fraudulent identifying information, constituting an offense under Penal Code Section 32.51, with the intent to facilitate the commission or attempted commission of the offense of failure to register. To ensure consistency, the bill specifies that in these cases, it is the offense itself that is elevated to the next highest category, not merely the punishment.

Topic: Prohibited Employment

Code of Criminal Procedure Art. 62.063. PROHIBITED EMPLOYMENT.

(a) In this article:

(1) "Amusement ride" has the meaning assigned by Section 2151.002, Occupations Code.

(2) "Bus" has the meaning assigned by Section 541.201, Transportation Code.

(3) "Digitally prearranged ride" has the meaning assigned by Section 2402.001, Occupations Code.

(b) A person subject to registration under this chapter because of a reportable conviction or adjudication for which an affirmative finding is entered under Article 42.015(b) or 42A.105(a), as appropriate, may not, for compensation:

(1) operate or offer to operate a bus;

(2) provide or offer to provide a passenger taxicab or limousine transportation service, or a digitally prearranged ride;

(3) provide or offer to provide any type of service in the residence of another person unless the provision of service will be supervised; or

(4) operate or offer to operate any amusement ride.

Occupations Code Sec. 2402.107. DRIVER REQUIREMENTS

(a) Before permitting an individual to log in as a driver on the company's digital network, a transportation network company must:

(1) confirm that the individual:

(A) is at least 18 years of age;

(B) maintains a valid driver's license issued by this state, another state, or the District of Columbia; and

(C) possesses proof of registration and automobile financial responsibility for each motor vehicle to be used to provide digitally prearranged rides;

(2) conduct, or cause to be conducted, a local, state, and national criminal background check for the individual that includes the use of:

(A) a commercial multistate and multijurisdiction criminal records locator or other similar commercial nationwide database; [~~and~~]

(B) the national sex offender public website maintained by the United States Department of Justice or a successor agency; and

(C) the state sex offender public website maintained by the Department of Public Safety; and

(3) obtain and review the individual's driving record.

(b) A transportation network company may not permit an individual to log in as a driver on the company's digital network if the individual:

(1) has been convicted in the three-year period preceding the issue date of the driving record obtained under Subsection (a)(3) of:

(A) more than three offenses classified by the Department of Public Safety as moving violations; or

(B) one or more of the following offenses:

(i) fleeing or attempting to elude a police officer under Section 545.421, Transportation Code;

(ii) reckless driving under Section 545.401, Transportation Code;

(iii) driving without a valid driver's license under Section 521.025, Transportation Code; or

(iv) driving with an invalid driver's license under Section 521.457, Transportation Code;

(2) has been convicted in the preceding seven-year period of any of the following:

(A) driving while intoxicated under Section 49.04 or 49.045, Penal Code;

(B) use of a motor vehicle to commit a felony;

(C) a felony crime involving property damage;

(D) fraud;

(E) theft;

(F) an act of violence; or

(G) an act of terrorism; or

(3) is found to be registered in the national sex offender public website maintained by the United States Department of Justice or a successor agency or in the state sex offender public website maintained by the Department of Public Safety.

Commentary by: Chelsey Oden
Source: HB 47 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to individuals with a reportable conviction or adjudication with an affirmative finding that the victim or intended victim was younger than 14 years of age at the time of the offense

Summary of Changes

This bill specifies that these individuals may not, for compensation, provide passenger transportation services, which now include digitally prearranged rides. A digitally prearranged ride is defined as a ride in a personal vehicle between points selected by the passenger and arranged in advance through a digital network. Examples include services like Uber and Lyft. Additionally, such companies must now conduct a background check using the state sex offender public website maintained by the Department of Public Safety before allowing any individual to log in as a driver on the company's digital network.

Topic: Reports of Sexual Assault

Local Gov't Code Sec. 351.257. REPORT.

(a) Not later than December 1 of each odd-numbered year, a response team shall provide to the commissioners court of each county the response team serves a report that includes:

(1) a list of response team members able to participate in the quarterly meetings required by Section 351.254(c);

(2) a copy of the written protocol developed under Section 351.256; and

(3) either:

(A) a biennial summary detailing:

(i) the number of sexual assault reports received by local law enforcement agencies;

(ii) the number of investigations conducted as a result of those reports;

(iii) the number of indictments presented in connection with a report and the disposition of those cases; and

(iv) the number of reports of sexual assault for which no indictment was presented; or

(B) an explanation of the reason the response team failed to provide the information described by Paragraph (A).

(b) Not later than February 1 of each even-numbered year, the commissioners court of each county that receives a report described by Subsection (a) during the preceding year shall submit that report to the Sexual Assault Survivors' Task Force established under Section 772.0064, Government Code.

Local Gov't Code Sec. 351.2571. NONCOMPLIANCE.

Failure to comply with the requirements of Section 351.257 may be used to determine eligibility for receiving grant funds from the office of the governor or another state agency.

Commentary by: Chelsey Oden
Source: HB 47
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

A county commissioners court that receives a report pursuant to Local Government Code §351.257(a), containing data related to sexual assault incidents, is required to transmit the report to the Sexual Assault Survivors' Task Force. Noncompliance with this directive may be considered when evaluating the county's eligibility for grant funding from the Office of the Governor or other state agencies.

Topic: Emergency Services for Victims of Sexual Assault

Health and Safety Code Sec. 323.005. INFORMATION FORM.

(a) The commission shall develop a standard information form for sexual assault survivors that must include:

(1) a detailed explanation of the forensic medical examination required to be provided by law, including a statement that photographs may be taken of the genitalia;

(2) information regarding treatment of sexually transmitted infections and pregnancy, including:

(A) generally accepted medical procedures;

(B) appropriate medications; and

(C) any contraindications of the medications prescribed for treating sexually transmitted infections and preventing pregnancy;

(3) information regarding drug-facilitated sexual assault, including the necessity for an immediate urine test for sexual assault survivors who may have been involuntarily drugged;

(4) information regarding crime victims compensation and regarding the payment of costs and the reimbursements available for care to be provided as described by Subchapter G, Chapter 56A, Code of Criminal Procedure;

(5) an explanation that consent for the forensic medical examination may be withdrawn at any time during the examination;

(6) the name and telephone number of sexual assault crisis centers statewide;

(7) the names and contact information of legal aid services providers statewide;

(8) information regarding postexposure prophylaxis for HIV infection;

(9) [~~(8)~~] information regarding the period for which biological evidence collected from the forensic medical examination will be retained and preserved under Article 38.43, Code of Criminal Procedure; and

(10) [~~(9)~~] a statement that the survivor has the right to access a shower for free after the forensic medical examination, if shower facilities are available at the health care facility.

~~(d) In addition to providing the information form described by Subsection (a), a health care facility shall ensure that the information described by Subsection (a)(4)(A) is orally communicated to the survivor.~~

Health and Safety Code Sec. 323.0051. INFORMATION FORM FOR SEXUAL ASSAULT SURVIVORS AT CERTAIN FACILITIES.

(a) The commission shall develop a standard information form for sexual assault survivors who arrive at a health care facility that is not a SAFE-ready facility. The information form must include:

(1) information regarding the benefits of a forensic medical examination conducted by a sexual assault forensic examiner;

(2) the Internet website address to the commission's list of SAFE-ready facilities that includes the facilities' physical addresses as required by Section 323.008;

(3) the following statements:

(A) "As a survivor of sexual assault, you have the right to receive a forensic medical examination for sexual assault at this hospital emergency room if you are requesting the examination not later than 120 hours after the assault. For parents or guardians of a minor child, your child has the right to receive

the forensic medical examination at any time, regardless of when the assault occurred."; and

(B) "Call 1-800-656-HOPE to be connected to a sexual assault crisis center for free and confidential assistance."; [~~and~~]

(4) the names and contact information of legal aid services providers statewide; and

(5) information on the procedure for submitting a complaint against the health care facility.

Health and Safety Code Sec. 323.0052. INFORMATION FOR SEXUAL ASSAULT SURVIVORS WHO HAVE NOT REPORTED ASSAULT.

(a) The commission shall develop a standard information form that, as described by Subsection (b), is to be provided to sexual assault survivors who have not given signed, written consent to a health care facility to release the evidence as provided by Section 420.0735, Government Code. The form must include the following information:

(1) the Department of Public Safety's policy regarding storage of evidence of a sexual assault or other sex offense that is collected under Subchapter G, Chapter 56A, Code of Criminal Procedure, including:

(A) a statement that the evidence will be stored until the fifth anniversary of the date on which the evidence was collected before the evidence becomes eligible for destruction; and

(B) the department's procedures regarding the notification of the survivor through the statewide electronic tracking system before a planned destruction of the evidence;

(2) a statement that the survivor may request the release of the evidence to a law enforcement agency and report a sexual assault or other sex offense to the agency at any time;

(3) the name, phone number, and e-mail address of the law enforcement agency with jurisdiction over the offense; [~~and~~]

(4) the name and phone number of a local sexual assault crisis center; and

(5) the names and contact information of legal aid services providers statewide.

(b) A health care facility that provides care to a sexual assault survivor who has not given consent as described by Subsection (a) shall provide the standard form developed under Subsection (a) to the survivor before the survivor is released from the facility.

Health and Safety Code Sec. 323.053. MINIMUM STANDARDS FOR SAFE PROGRAMS.

A SAFE program must:

(1) operate under the active oversight of a medical director who is a physician licensed by and in good standing with the Texas Medical Board;

(2) provide medical treatment under a physician's order, standing medical order, standing delegation order, or other order or protocol as defined by Texas Medical Board rules;

(3) employ or contract with a sexual assault examiner or a sexual assault nurse examiner;

(4) provide access to a sexual assault program advocate, as required by Subchapter H, Chapter 56A, Code of Criminal Procedure;

(5) ensure a sexual assault survivor has access to a private treatment room;

(6) if indicated by a survivor's history or on a survivor's request, provide:

(A) HIV testing and prophylactic medication to the survivor or a referral for the testing and medication; and

(B) counseling and prophylactic medications for exposure to sexually transmitted infections and pregnancy;

(7) provide to survivors the name and telephone number of a nearby sexual assault program that provides to survivors the minimum services described by Subchapter A, Chapter 420, Government Code;

(8) provide to survivors the information form required by Section 323.005, 323.0051, or 323.0052, as applicable[~~, and orally communicate the information regarding crime victims compensation under Section 323.005(a)(4)~~];

(9) collaborate with any sexual assault program, as defined by Section 420.003, Government Code, that provides services to survivors in the county;

(10) engage in efforts to improve the quality of the program;

(11) maintain capacity for appropriate triage or have agreements with other health facilities to assure that a survivor receives the appropriate level of care indicated for the survivor's medical and mental health needs;

(12) prioritize the safety and well-being of survivors;

(13) provide a trauma-informed approach in the forensic medical care provided to survivors; and

(14) collaborate with:

(A) law enforcement agencies and attorneys representing the state with jurisdiction in the county;

(B) any available local sexual assault response team; and

(C) other interested persons in the community.

Commentary by: Chelsey Oden
Source: HB 47 (only portions of the bill are included here)
Effective Date: September 1, 2025
Applicability: Applies only to a sexual assault or other sex offense that is first reported or for which medical care is first sought on or after the effective date of this act

Summary of Changes

A health care facility providing care to a sexual assault victim must furnish the victim with an information form as required by Health and Safety Code §323.005. This bill mandates that the form include the names and contact information of statewide legal aid services. This requirement applies regardless of whether the victim reports the assault or whether the facility is designated as a Sexual Assault Forensic Exam-ready (SAFE) facility. Finally, the bill removes the requirement that a SAFE program orally provide the information regarding crime victims compensation under Health and Safety Code §323.005(a)(4).

Topic: Sexual Assault Nurse Examiners

Gov't Code Sec. 420.011. CERTIFICATION BY ATTORNEY GENERAL; RULES.

(c) The attorney general shall adopt rules establishing minimum standards for the certification of a sexual assault nurse examiner and the renewal of that certification by the nurse examiner, including standards for examiner training courses and for the interstate reciprocity of sexual assault nurse examiners. The certification is valid for three [~~two~~] years from the date of issuance. The attorney general shall also adopt rules establishing minimum standards for the suspension, decertification, or probation of a sexual assault nurse examiner who violates this chapter.

Commentary by: Chelsey Oden
Source: HB 47 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies only to an application for renewal of a sexual assault nurse examiner certificate filed on or after the effective date of this act

Summary of Changes

This bill provides the certification of a sexual assault nurse examiner remains valid for three, rather than two, years from the date of issuance.

Topic: Evidence Collection Education for Physicians and Physician Assistants

Occupations Code Sec. 156.057. CONTINUING EDUCATION IN FORENSIC EVIDENCE COLLECTION.

(a) A physician licensed under this subtitle who submits an application for renewal of a license to practice medicine and whose practice includes treating patients in an emergency room setting shall [~~may~~] complete at least two hours of continuing medical education relating to:

(1) the provision of trauma-informed care to sexual assault survivors;

(2) appropriate community referrals and prophylactic medications;

(3) the rights of a sexual assault survivor under Chapter 56A, Code of Criminal Procedure, including the opportunity to request the presence of an advocate as defined by Section 420.003, Government Code, and a forensic medical examination;

(4) forensic evidence collection methods; and

(5) applicable state law pertaining to the custody, transfer, and tracking of forensic evidence.

(b) The board shall adopt rules to establish the content of continuing medical education relating to forensic evidence collection. The content of the continuing medical education must conform to the evidence collection protocol distributed by the attorney general under Section 420.031, Government Code. The board may adopt other rules to implement this section.

(c) The board may permit the continuing medical education under this section to be counted toward the hours of continuing medical education required by Section 156.051(a)(2).

Commentary by: Chelsey Oden
Source: HB 47 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to an application for the renewal of a license filed by a physician practicing in an emergency room setting and filed on or after September 1, 2026

Summary of Changes

This bill requires certain individuals to complete at least two hours of continuing medical education focused on trauma-informed care for sexual assault victims. The training must cover topics including community referrals, prophylactic medications, the rights of sexual assault victims, forensic evidence collection methods, and applicable state law regarding the custody, transfer, and tracking of forensic evidence.

Occupations Code Sec. 204.1563. CONTINUING EDUCATION IN FORENSIC EVIDENCE COLLECTION.

(a) A physician assistant licensed under this chapter whose practice includes treating patients in an emergency room setting shall complete at least two hours of continuing medical education relating to:

(1) the provision of trauma-informed care to sexual assault survivors;

(2) appropriate community referrals and prophylactic medications;

(3) the rights of a sexual assault survivor under Chapter 56A, Code of Criminal Procedure, including the opportunity to request the presence of an advocate as defined by Section 420.003, Government Code, and a forensic medical examination;

(4) forensic evidence collection methods; and

(5) applicable state law pertaining to the custody, transfer, and tracking of forensic evidence.

(b) The content of the continuing medical education relating to forensic evidence collection must conform to the evidence collection protocol distributed by the attorney general under Section 420.031, Government Code.

(c) The board may permit the continuing medical education under this section to be counted toward the continuing education requirements under Section 204.1562(a)(2).

Commentary by: Chelsey Oden
Source: HB 47 (only portions of this bill are included here)
Effective Date: September 1, 2026
Applicability: Applies to an application for the renewal of a license filed by a physician assistant practicing in an emergency room setting and filed on or after effective date of this act

Summary of Changes

This bill requires physician assistants treating patients in an emergency room setting to complete at least two hours of continuing medical education focused on trauma-informed care for sexual assault victims. The training must cover topics including community referrals, prophylactic medications, the rights of sexual assault victims, forensic evidence collection methods, and applicable state law regarding the custody, transfer, and tracking of forensic evidence.

Victims

Topic: Protective Orders

Code of Criminal Procedure Chapter 7B: PROTECTIVE ORDERS. SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF CERTAIN SEXUAL [~~ASSAULT OR ABUSE, INDECENT ASSAULT~~], STALKING, [~~OR~~] TRAFFICKING, OR BURGLARY OFFENSES.

Code of Criminal Procedure Art. 7B.001. APPLICATION FOR PROTECTIVE ORDER.

(a) The following persons may file an application for a protective order under this subchapter without regard to the relationship between the applicant and the alleged offender:

(1) a person who is the victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, 42.072, or 43.05, Penal Code;

(2) a person who is the victim of an offense under Section 30.02, Penal Code, that is punishable under Subsection (c)(2) or (d) of that section;

(3) any adult, including a parent or guardian, who is acting on behalf of a victim described by Subdivision (1) or (2), if the victim is younger than 18 years of age or an adult ward; or

(4) [~~(3)~~] a prosecuting attorney acting on behalf of a person described by Subdivision (1), [~~or~~] (2), or (3).

(a-1) Except as provided by Subsection (a-2), if an application has not yet been filed in the case under Subsection (a), the attorney representing the state shall promptly file an application for a protective order with respect to each victim of an offense listed in Subdivision (1) or (2) of that subsection following the offender's conviction of or placement on deferred adjudication community supervision for the offense.

(a-2) The attorney representing the state may not file an application under Subsection (a-1) with respect to a victim if the victim requests that the attorney representing the state not file the application. This subsection does not apply to a victim who is younger than 18 years of age or who is an adult ward.

Code of Criminal Procedure Art. 7B.002. TEMPORARY EX PARTE ORDER.

(a) If the court finds from the information contained in an application for a protective order that there is a clear and present danger of conduct described by Article 7B.001(a)(1) or (2) [~~sexual assault or abuse, indecent assault, stalking, trafficking,~~] or other harm to the applicant, the court, without further notice to the alleged offender and without a hearing, may issue a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household.

Code of Criminal Procedure Art. 7B.003. REQUIRED FINDINGS: ISSUANCE OF PROTECTIVE ORDER.

(a) At the close of a hearing on an application for a protective order under this subchapter, the court shall find whether there are reasonable grounds to believe that the applicant is the victim of an offense listed in Article 7B.001(a)(1) or (2) [~~sexual assault or abuse, indecent assault, stalking, or trafficking~~].

(b) If the court finds that there are reasonable grounds to believe that the applicant is the victim of an offense listed in Article 7B.001(a)(1) or (2) [~~sexual assault or abuse, stalking, or trafficking~~], the court shall issue a protective order that includes a statement of the required findings.

(c) An offender's conviction of or placement on deferred adjudication community supervision for an offense listed in Article 7B.001(a)(1) or (2) constitutes reasonable grounds under Subsection (a).

Code of Criminal Procedure Art. 7B.007. DURATION OF PROTECTIVE ORDER; RECISSION.

(a-1) The court shall issue a protective order effective for the duration of the lives of the offender and victim if the offender is:

(1) convicted of or placed on deferred adjudication community supervision for an offense listed in Article 7B.001(a)(1) or (2); and

(2) required under Chapter 62 to register for life as a sex offender.

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

(1) a victim of an offense listed in Article 7B.001(a)(1) or (2) who is 18 years of age or older;

(2) subject to Subsection (b-1), a parent or guardian acting on behalf of a victim of an offense listed in Article 7B.001(a)(1) or (2) who is younger than 18 years of age or an adult ward; or

(3) a person not otherwise described by Subdivision (1) or (2) who filed the application for the protective order.

(b-1) A parent or guardian may not file an application to rescind the protective order under Subsection (b)(2) if the parent or guardian is the alleged offender subject to the protective order.

Commentary by: Chelsey Oden
Source: HB 2596
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

HB 2596 allows certain victims of burglary to apply for protective orders, expanding protections like those available for victims of sexual assault, stalking, and trafficking. A protective order may be requested when a burglary offense involves a habitation, either under Penal Code §30.02(c)(2) or when committed with the intent to commit a felony other than theft under §30.02(d).

An application may be filed regardless of the relationship between the applicant and the alleged perpetrator by the victim of any of the specified offenses. If the victim is under 18 years of age, the application may also be filed by any adult acting on the victim's behalf, including a parent or guardian, or by a prosecuting attorney representing any of these individuals. The ability of a court to issue temporary ex parte orders is also extended to these burglary victims under Article 7B.002, Code of Criminal Procedure.

If an application for a protective order has not been submitted, the prosecuting attorney must file an application when the offender is convicted of or placed on deferred adjudication community supervision. However, the attorney may not do so if the victim requests that they not file the application unless the victim is younger than 18 years of age or an adult ward. Upon conviction or placement on deferred adjudication community supervision, the court is required to issue a protective order that remains in effect for the lifetime of both the victim and the defendant if the defendant is also required to register as a sex offender for life.

Topic: Extreme Risk Protective Orders/New Felony Offense

Code of Criminal Procedure Chapter 7C. PROHIBITION ON RECOGNITION, SERVICE, AND ENFORCEMENT OF EXTREME RISK PROTECTIVE ORDERS.

Code of Criminal Procedure Art. 7C.001. DEFINITIONS.

In this chapter:

(1) "Extreme risk protective order" means a written order, warrant, or executive order issued by a court or signed by a magistrate or other court officer that:

(A) has the primary purpose of reducing the risk of death or injury related to a firearm by:

(i) prohibiting a person from owning, possessing, or receiving a firearm; or

(ii) requiring a person to surrender a firearm or otherwise removing a firearm from a person; and

(B) is not issued on the basis of conduct that resulted in a criminal charge for the person who is the subject of the order.

(2) "Firearm" has the meaning assigned by Section 46.01, Penal Code.

Code of Criminal Procedure Art. 7C.002. LOCAL REGULATION PROHIBITED.

(a) This article applies to:

(1) the State of Texas, including an agency, department, commission, bureau, board, office, council, court, or other entity that is in any branch of state government and that is created by the constitution or a statute of this state, including a university system or a system of higher education;

(2) the governing body of a municipality, county, or special district or authority;

(3) an officer, employee, or other body that is part of a municipality, county, or special district or authority, including a sheriff, municipal police department, municipal attorney, or county attorney; and

(4) a district attorney or criminal district attorney.

(b) An entity described by Subsection (a) may not adopt or enforce a rule, ordinance, order, policy, or other similar measure relating to an extreme risk protective order unless state law specifically authorizes the adoption and enforcement of such a rule, ordinance, order, policy, or measure.

Code of Criminal Procedure Art. 7C.003. CERTAIN FEDERAL LAWS UNENFORCEABLE.

A federal statute, order, rule, or regulation purporting to implement or enforce an extreme risk protective order against a person in this state that infringes on the person's right of due process, keeping and bearing arms, or free speech protected by the United States Constitution or the Texas Constitution is unenforceable as against the public policy of this state and shall have no effect.

Code of Criminal Procedure Art. 7C.004. ACCEPTING CERTAIN FEDERAL GRANTS PROHIBITED.

An entity described by Article 7C.002(a) may not accept federal grant funds for the implementation, service, or enforcement of a federal statute, order, rule, or regulation purporting to implement or enforce an extreme risk protective order against a person in this state.

Code of Criminal Procedure Art. 7C.005. OFFENSE.

(a) A person commits an offense if the person serves or enforces or attempts to serve or enforce an extreme risk protective order against a person in this state, unless the order was issued under the laws of this state.

(b) An offense under this article is a state jail felony.

Code of Criminal Procedure Art. 7C.006. INAPPLICABILITY.

This chapter does not apply to a protective order issued under the Family Code or the Code of Criminal Procedure or to a protective order issued under the laws of another state that is recognized or enforceable under the Family Code or the Code of Criminal Procedure.

Commentary by: Chelsey Oden
Source: SB 1362
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill adds Chapter 7C to the Code of Criminal Procedure to address Extreme Risk Protective Orders (ERPOs) which are civil court orders aimed to temporarily restrict an individual's access to firearms when they pose a risk to themselves or others. The bill defines ERPOs as a written order, warrant, or executive directive issued by a court, magistrate, or other judicial officer, not related to a criminal charge, and intended to reduce the risk of firearm-related deaths or injuries by prohibiting a person from possessing firearms or requiring them to surrender one Prohibits implementation or enforcement of certain federal laws that infringe on a person's right of due process, keeping and bearing arms, or free speech protected by the United States or Texas Constitutions.

This bill stops all governmental entities in the state from recognizing or enforcing ERPOs, also referred to as red flag orders, against an individual in Texas unless explicitly authorized by Texas law (e.g., protective orders issued under the Fam-

ily Code or Code of Criminal Procedure or similar orders issued under similar laws in other states).

This bill also creates a new state jail felony offense which is committed when a person serves or enforces or attempts to serve or enforce an ERPO against a person in this state, unless the order falls under the exception.

Topic: Emergency Protective Orders

Code of Criminal Procedure 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.

(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 [~~61st~~] day but not less than 61 [~~31~~] 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 [~~91st~~] day but not less than 91 [~~61~~] 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.

Commentary by: Chelsey Oden
Source: SB 2196
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

At a defendant's initial appearance before a magistrate following an arrest for an offense involving family violence or certain serious crimes (such as trafficking, sexual assault, indecent assault, aggravated sexual assault, or stalking), the magistrate has the authority to issue an emergency protective order (EPO). This EPO may be issued on the magistrate's own motion or at the request of the victim, the victim's guardian, a peace officer, or the prosecuting attorney. If the offense involves family violence and includes either serious bodily injury to the victim or the use or exhibition of a deadly weapon during the assault, the magistrate is required by law to issue the EPO, which becomes effective immediately upon issuance. Under current law, an EPO generally lasts between 31 and 91 days. Now, if the offense involved the use or exhibition of a deadly weapon, the order must be issued for a minimum of 61 days.

While EPOs remain effective upon issuance, recent legislation extends the duration for which they remain in effect. With the changes introduced in this bill, an order issued by a magistrate under this article will remain in effect for up to 91 days but not less than 61 days, instead of the previous 31 days, after the date of issuance in most cases. In cases involving family violence that results in serious bodily injury or involves the use of a deadly weapon, the order will remain in effect for up to 121 days but not less than 91 days after the date of issuance.

Topic: Family Violence Protective Orders

Family Code Sec. 81.012. CONFLICT WITH CERTAIN OTHER ORDERS.

During the time in which a protective order issued under this subtitle, including a temporary ex parte order, is valid and subject to transfer, the order prevails over any other order rendered in a suit for dissolution of a marriage under Chapter 6 or a suit affecting the parent-child relationship under Title 5 to the extent of any conflict between the orders.

Family Code [~~Sec. 83.005. CONFLICTING ORDERS~~

~~During the time the order is valid, a temporary ex parte order prevails over any other court order made under Title 5 to the extent of any conflict between the orders.~~]

Commentary by: Chelsey Oden
Source: SB 1559
Effective Date: September 1, 2025
Applicability: Applies only to a motion to transfer a protective order that is made on or after the effective date of this act

Summary of Changes

To the extent any conflicts exist between a family violence protective order and an order rendered in a divorce or child custody proceeding, the former prevails and is subject to transfer.

Family Code Sec. 82.011. CONFIDENTIALITY OF CERTAIN INFORMATION.

On request by an applicant, the court shall [~~may~~] protect the applicant's mailing address and county of residence by rendering an order:

(1) requiring the applicant to:

(A) disclose the applicant's mailing address and county of residence to the court;

(B) designate a person to receive on behalf of the applicant any notice or documents filed with the court related to the application; and

(C) disclose the designated person's mailing address to the court;

(2) requiring the court clerk to:

(A) strike the applicant's mailing address and county of residence from the public records of the court, if applicable; and

(B) maintain a confidential record of the applicant's mailing address and county of residence for use only by the court; and

(3) prohibiting the release of the information to the respondent.

Commentary by: Chelsey Oden
Source: HB 793
Effective Date: September 1, 2025
Applicability: Applies to an application for a protective order that is pending on or filed on or after the effective date of this act

Summary of Changes

This bill requires a court, rather than merely authorizing it, to keep the applicant's mailing address and county of residence confidential upon the applicant's request.

Family Code Sec. 85.001. REQUIRED FINDINGS AND ORDERS.

(d) If the court renders a protective order for a period of more than two years under Section 85.025(a-1), the court must include in the order a finding described by that subsection [~~Section 85.025(a-1)~~].

Family Code Sec. 85.025. DURATION OF PROTECTIVE ORDER.

(a-1) The court may render a protective order sufficient to protect the applicant and members of the applicant's family or household that is effective for a period that exceeds two years if the court finds that the person who is the subject of the protective order:

(1) committed an act constituting a felony offense involving family violence against the applicant or a member of the applicant's family or household, regardless of whether the person has been charged with or convicted of the offense;

(2) caused serious bodily injury to the applicant or a member of the applicant's family or household; or

(3) was the subject of two or more previous protective orders rendered:

(A) to protect the person on whose behalf the current protective order is sought; and

(B) after a finding by the court that the subject of the protective order has committed family violence.

(a-2) If an order under this subtitle is rendered against a respondent who is a party to a suit for dissolution of a marriage in which the applicant or a member of the applicant's family or household is the other party, the order is effective until the second anniversary of the date on which the final decree of dissolution of the marriage is approved and signed by the judge.

(a-3) If an order under this subtitle is rendered against a respondent who is a party to a suit affecting the parent-child relationship in which the applicant or a member of the applicant's family or household is also a party, the order is effective until the second anniversary of the date on which the final order in the suit is rendered by the court.

(a-4) If an order under this subtitle is rendered against a respondent who is charged with a criminal offense involving family violence under Title 5, Penal Code, or an offense under Section 25.11, Penal Code, the order is effective until the second anniversary of the date of the final disposition of the criminal case.

(b) A person who is the subject of a protective order may file a motion not earlier than the first anniversary of the date on which the order was rendered requesting that the court review the protective order and determine whether there is a continuing need for the order.

(b-1) Following the filing of a motion under Subsection (b), a person who is the subject of a protective order issued under Subsection (a-1), (a-2), (a-3), or (a-4) that is effective for a period that exceeds two years may file not more than one subsequent motion requesting that the court review the protective order and determine whether there is a continuing need for the order. The subsequent motion may not be filed earlier than the first anniversary of the date on which the court rendered an order on the previous motion by the person.

(c) If a person who is the subject of a protective order is confined or imprisoned on the date the protective order would expire under Subsection (a), [~~or~~] (a-1), (a-2), (a-3), or (a-4) or if the protective order would expire not later than the first anniversary of the date the person is released from confinement or imprisonment, the period for which the order is effective is extended, and the order expires on:

(1) the first anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for more than five years; or

(2) the second anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for five years or less.

Commentary by: Chelsey Oden
Source: SB 1120 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies only to a protective order issued on or after the effective date

Summary of Changes

This bill addresses the duration of family violence protective orders issued against individuals who are also party to a divorce proceeding or a suit affecting the parent-child relationship or charged with a related criminal offense. A family violence protective order issued against a respondent in a divorce proceeding remains effective for two years after the final decree is signed, if the other party is the applicant or a member of the applicant's family or household. The same two-year duration applies when the parties are involved in a suit affecting the parent-child relationship. Additionally, if the respondent is charged with a family violence offense under Title 5 (Offenses Against the Person) or Section 25.11 (Continuous Violence Against the Family) of the Penal Code, the order remains effective until the second anniversary of the final disposition of the criminal case.

Family Code Sec. 85.026. WARNING ON PROTECTIVE ORDER.

(b) Each protective order issued under this subtitle, including a temporary ex parte order, must contain the following prominently displayed statement in boldfaced type, capital letters, or underlined:

"DURING THE TIME IN WHICH THIS ORDER IS VALID AND SUBJECT TO TRANSFER, THE ORDER PREVAILS OVER ANY OTHER ORDER RENDERED IN A SUIT FOR DISSOLUTION OF A MARRIAGE OR A SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP TO THE EXTENT OF ANY CONFLICT BETWEEN THE ORDERS."

Commentary by: Chelsey Oden
Source: SB 1559
Effective Date: September 1, 2025
Applicability: Applies only to a motion to transfer a protective order that is made on or after the effective date of this act

Summary of Changes

This bill requires specific language be prominently displayed in all family violence protective orders, including temporary ex parte orders. Prominently displayed means in boldfaced type, capital letters, or underlined.

Family Code Sec. 85.064. TRANSFER OF PROTECTIVE ORDER.

(a) If a protective order was rendered before the filing of a suit for dissolution of a marriage or suit affecting the parent-child relationship or while the suit is pending as provided by Section 85.062, the court that rendered the order shall [~~may~~], on the motion of a party or on the court's own motion, transfer the protective order to the court having jurisdiction of the suit if the court finds that the transfer will not negatively impact the safety of any person protected by the order [~~makes the finding prescribed by Subsection (c)~~].

(b) If a protective order that affects a party's right to possession of or access to a child is rendered after the date a final order was rendered in a suit affecting the parent-child relationship, on the motion of a party or on the court's own motion, the court shall [~~may~~] transfer the protective order to the court of continuing, exclusive jurisdiction if the court finds that the transfer will not negatively impact the safety of any person protected by the order [~~makes the finding prescribed by Subsection (c)~~].

[~~(c) A court may transfer a protective order under this section if the court finds that the transfer is:~~

~~(1) in the interest of justice; or~~

~~(2) for the safety or convenience of a party or a witness.~~]

(c-1) A motion to transfer a protective order under this section must be filed with a signed certificate of service on all parties. A party desiring to contest the motion must file a response not later than the first Monday after the 20th day after the date the motion is served on the party. The response must include a controverting affidavit stating that the transfer would negatively impact the safety of a person protected by the order.

(c-2) If a response to a motion to transfer a protective order is filed as provided by Subsection (c-1), notice of the hearing on the motion to transfer the protective order must be served on all parties not later than the 10th day before the date of the hearing.

(c-3) Before rendering an order transferring a protective order under this section, the court must provide each person protected by the protective order the opportunity to submit a statement to the court regarding the impact of a potential transfer on the person's safety. The court shall consider a statement submitted under this subsection when determining whether to order a transfer. The statement may be a separate document or combined with the motion to transfer or a response to the motion to transfer. The statement must be filed:

(1) concurrently with or before the filing of the motion to transfer, if the person protected by the protective order is the person filing the motion to transfer; or

(2) concurrently with or before the filing of a response to the motion to transfer, if the person protected by the protective order is not the person filing the motion to transfer.

(c-4) An order transferring a protective order under this section must include a finding that the transfer will not negatively affect the safety of any person protected by the order.

Commentary by: Chelsey Oden
Source: SB 1559
Effective Date: September 1, 2025
Applicability: Applies only to a motion to transfer a protective order that is made on or after the effective date of this act

Summary of Changes

Upon the motion of a protected party or the court, a family violence protective order must be transferred to the court handling a divorce or child custody proceeding involving the protected party if the court finds that the transfer will not negatively impact the protected person's safety. The motion to transfer must include a signed certificate of service and must be served on all parties. The opposing party has until the first Monday after the 20th day following service to respond. The response must include a sworn statement explaining why the transfer would endanger the person protected by the order. If a response is filed, notice of the hearing must be served on all parties at least 10 days before the hearing date. The court must provide each protected person the opportunity to submit a statement regarding the potential impact of the transfer on their safety.

The timing for filing these statements is contingent upon the party initiating the motion to transfer. If the protected person is the filer, the statement must be filed at the same time as, or before, the motion to transfer. If the filer is not a protected person, the statement must be filed at the same time as, or before, the response. Finally, a court ordering the transfer of a protective order must include a finding that the transfer will not negatively affect the safety of any protected person.

Family Code Sec. 85.07. CONFIDENTIALITY OF CERTAIN INFORMATION.

(a) On request by a person protected by an order or an adult member of the family or household of a person protected by an order, the court shall [~~may~~] exclude from a protective order:

(1) the address, county of residence, and telephone number of a person protected by the order; or

(2) the address and telephone number of:

(A) the place of employment or business of a person protected by the order; or

(B) the child-care facility or school a child protected by the order attends or in which the child resides.

(a-1) In a hearing on an application for a protective order, the court shall inform each person described by Subsection (a) who is present at the hearing of the person's right, on request, to have information described by that subsection excluded from the protective order and specifically ask the person if the person wishes the court to exclude that information from the protective order.

Commentary by: Chelsey Oden
Source: HB 793
Effective Date: September 1, 2025
Applicability: Applies to an application for a protective order that is pending on or filed on or after the effective date of this act

Summary of Changes

This bill also requires, rather than merely authorizes, a court to keep certain information confidential upon request by the protected person or an adult member of their family or household. This includes the protected person's mailing address, county of residence, place of employment or business, and any school or child-care facility attended by a protected child.

Family Code Sec. 87.004. CHANGE OF ADDRESS OR TELEPHONE NUMBER.

(a-1) On request by a person protected by an order, the court shall keep confidential the changed address or telephone number in the notification described by Subsection (a). On granting a request for confidentiality under this subsection, the court shall order the clerk to maintain a confidential record of the information as described by Section 85.007(b)(2) and exclude that information from the notification. If the applicant seeks to keep confidential the applicant's mailing address, the applicant must:

(1) disclose the applicant's mailing address and county of residence to the court;

(2) designate a person to receive on behalf of the applicant any notice or documents filed with the court related to the order; and

(3) disclose the designated person's mailing address to the court.

Commentary by: Chelsey Oden
Source: HB 793
Effective Date: September 1, 2025
Applicability: Applies to a notification of change of address or telephone number that is filed on or after the effective date of this act

Summary of Changes

This bill also requires courts, upon request, to keep a protected person's updated address or phone number confidential by ordering the clerk to maintain a confidential record and exclude the information from notifications. If the applicant wants to keep their mailing address private, they must still provide it to the court, designate someone to receive court documents, and provide that person's address.

Topic: Definition of Victim & Family Violence

Code of Criminal Procedure 56A.001. DEFINITIONS.

(4-a) "Family violence" means an offense under the following provisions of the Penal Code if the offense is 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:

(A) Section 21.02;

(B) Section 21.11(a)(1);

(C) Section 22.01;

(D) Section 22.011;

(E) Section 22.02;

(F) Section 22.021;

(G) Section 22.04; and

(H) Section 25.11.

(7) "Victim" means a person who:

(A) is the victim of the offense of:

(i) sexual assault;

(ii) kidnapping;

(iii) aggravated robbery;

(iv) trafficking of persons; [~~or~~]

(v) injury to a child, elderly individual, or disabled individual; [~~or~~]

(vi) family violence; or

(vii) stalking;

(B) has suffered personal injury or death as a result of the criminal conduct of another; or

(C) is the victim of an offense committed under Section 25.07, 25.071, or 25.072, Penal Code, if a violation that is an element of the offense occurred through the commission of an assault, aggravated assault, or sexual assault or the offense of stalking, regardless of whether that violation occurred with respect to a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code.

Commentary by: Chelsey Oden
Source: SB 1120 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill refines the definition of "victim" within the same chapter to include victims of family violence and stalking. The bill also adds a definition for "family violence" in Chapter 56A of the Code of Criminal Procedure, which relates to the rights of crime victims. The term "victim" is expanded to include a victim of an offense committed under Penal Code §25.07 (violation of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case), §25.071 (violation of a protective order preventing an offense caused by bias or prejudice), or §25.072 (repeated violation of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case), when the violation occurs during the commission of stalking, irrespective of the actor's relationship with the victim, or during an assault, aggravated assault, or sexual assault.

Topic: General Rights

Code of Criminal Procedure Art. 26.13. PLEA OF GUILTY.

(e) Before accepting a plea of guilty or a plea of nolo contendere, the court shall, as applicable in the case:

(1) inquire as to whether a victim impact statement has been returned to the attorney representing the state and ask for a copy of the statement if one has been returned; and

(2) inquire as to whether the attorney representing the state has:

(A) given notice of the existence and terms of any plea bargain agreement to the victim, guardian of a victim, or close relative of a deceased victim, as those terms are defined by Article 56A.001; and

(B) conferred with the victim, guardian of a victim, or close relative of a deceased victim regarding the disposition of the case.

Commentary by: Chelsey Oden
Source: SB 761
Effective Date: September 1, 2025
Applicability: Applies only to victims of criminally injurious conduct occurring on or after the effective date

Summary of Changes

Prior to accepting a plea of guilty or nolo contendere (no contest), the court must determine whether the prosecutor has engaged in a discussion with the victim, the victim's guardian, or a close relative of a deceased victim, rather than simply providing notice of the proposed disposition.

Code of Criminal Procedure Art. 29.14. CONSIDERATION OF IMPACT ON CERTAIN VICTIMS.

(a) In this article, "victim" means a [~~the~~] victim of [~~an assault or~~] sexual assault or a victim of assault who is younger than 17 years of age or whose case involves family violence as defined by Section 71.004, Family Code.

(b) On request by the attorney representing the state, a court that considers a motion for continuance on the part of the defendant shall also consider the impact of the continuance on the victim. On request by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance.

Commentary by: Chelsey Oden
Source: HB 47
Effective Date: September 1, 2025
Applicability: Applies only to a sexual assault or other sex offense that is first reported on or after the effective date of this Act

Summary of Changes

Currently, a court considering a motion for continuance must take into account the impact on assault or sexual assault victims who are under 17 years of age or whose case involves family violence. This bill extends that consideration to all sexual assault victims, regardless of age.

Code of Criminal Procedure Art. 56A.0531. ASSERTION OF RIGHTS.

A victim, guardian of a victim, or close relative of a deceased victim may assert the rights provided by this chapter either orally or in writing, individually or through an attorney.

Commentary by: Chelsey Oden
Source: SB 761
Effective Date: September 1, 2025
Applicability: Applies only to victims of criminally injurious conduct occurring on or after the effective date

Summary of Changes

Currently, a victim, the guardian of a victim, or a close relative of a deceased victim may assert their rights under Chapter 56A of the Code of Criminal Procedure, either orally or in writing. This bill clarifies that these rights may be asserted either individually or through an attorney.

Code of Criminal Procedure 56A.051. GENERAL RIGHTS.

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from a law enforcement agency adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate consider the safety of the victim or the victim's family in setting the amount of bail for the defendant;

(3) if requested, the right to be informed in the manner provided by Article 56A.0525:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled before the event; and

(B) by an appellate court of the court's decisions, after the decisions are entered but before the decisions are made public;

(4) when requested, the right to be informed in the manner provided by Article 56A.0525:

(A) by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations; and

(B) by the office of the attorney representing the state concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a community supervision and corrections department conducting a presentencing investigation concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before any sentencing of the defendant;

(6) the right to receive information, in the manner provided by Article 56A.0525:

(A) regarding compensation to victims of crime as provided by Chapter 56B, including information related to the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter;

(B) for a victim of a sexual assault, regarding the payment under Subchapter G for a forensic medical examination; and

(C) when requested, providing a referral to available social service agencies that may offer additional assistance;

(7) the right to:

(A) be informed, on request, and in the manner provided by Article 56A.0525, of parole procedures;

(B) participate in the parole process;

(C) provide to the board for inclusion in the defendant's file information to be considered by the board before the parole of any defendant convicted of any offense subject to this chapter; and

(D) be notified in the manner provided by Article 56A.0525, if requested, of:

(i) parole proceedings concerning a defendant in the victim's case;

(ii) [~~and of~~] the defendant's release on parole for the offense involving the victim, including the county in which the defendant is required to reside, and the nonconfidential conditions of the defendant's parole, including any condition:

(a) prohibiting the defendant from going near the victim's home or work; or

(b) requiring the defendant to complete a battering intervention and prevention program established under Article 42.141;

(iii) any offense with which the defendant is charged while released on parole for the offense involving the victim, if the department is aware of the offense;

(iv) the issuance of any warrant under Section 508.251, Government Code, for the return of the defendant; and

(v) any revocation of the defendant's parole for the offense involving the victim;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the defendant and relatives of the defendant, before testifying in any proceeding concerning the defendant; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the defendant and the defendant's relatives and witnesses, before and during court proceedings;

(9) the right to the prompt return of any of the victim's property that is held by a law enforcement agency or the attorney representing the

state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney representing the state notify the victim's employer, if requested, that the victim's cooperation and testimony is necessary in a proceeding that may require the victim to be absent from work for good cause;

(11) the right to request victim-offender mediation coordinated by the victim services division of the department;

(12) the right to be informed, in the manner provided by Article 56A.0525, of the uses of a victim impact statement and the statement's purpose in the criminal justice system as described by Subchapter D, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the board before a defendant is released on parole;

(13) for a victim of an assault, aggravated assault, or sexual assault who is younger than 17 years of age or whose case involves family violence, [~~as defined by Section 71.004, Family Code,~~] the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by the defendant's attorney, the court shall state on the record the reason for granting or denying the continuance; and

(14) if the offense is a capital felony, the right to:

(A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;

(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and

(C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.

(d) An advocate for a victim is entitled to obtain on behalf of the victim the information described by Subsection (a)(7)(D).

Commentary by: Chelsey Oden
Source: SB 1120 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This bill adds certain circumstances in which a victim, guardian of a victim, or close relative of a deceased victim, upon request, must receive specific notifications. Currently, the law requires these parties, upon request, to be notified of any parole proceedings concerning a defendant in the victim's case and of the defendant's release to parole.

This bill adds additional circumstances in which notification must be provided when requested. These include that, upon the defendant's release to parole, the notification must include the defendant's county of residence and any nonconfidential conditions of parole, which may include restrictions prohibiting the defendant from being near the victim's home or place of business, or requirements to complete a battering intervention and prevention program established under Article 42.141, Code of Criminal Procedure. The requesting victim, guardian of a victim, or close relative of a deceased victim must also be notified if the defendant is charged with any new criminal offenses, if a warrant is issued under Government Code Section 508.251 (issuance of warrant or summons) for the defendant's return, or if the defendant's parole is revoked. This bill also allows the victim's advocate to obtain this information on behalf of the victim.

The bill clarifies that the confidentiality requirements outlined in Government Code Section 508.313—pertaining to victim impact statements, parole eligibility lists, and inmate arrest records—do not restrict the disclosure of information that must be provided to victims, their guardians or parents, or close relatives of deceased victims under Article 56A.051(7)(D) of the Code of Criminal Procedure.

Topic: Additional Rights for Victims of Certain Offenses

Code of Criminal Procedure Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF CERTAIN SEXUAL [~~ASSAULT, INDECENT ASSAULT~~], STALKING, [~~OR~~] TRAFFICKING, OR BURGLARY OFFENSES.

(d) This subsection applies only to a victim of an offense listed in Article 7B.001(a)(1) or (2) [~~under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, 42.072, or 43.05, Penal Code~~]. A victim described by this subsection or a parent or guardian of the victim, if the victim is younger than 18 years of age or an adult ward, is entitled to the following rights within the criminal justice system:

(1) the right to be informed in the manner provided by Article 56A.0525:

(A) that the victim or, if the victim is younger than 18 years of age or an adult ward, the victim's parent or guardian or another adult acting on the victim's behalf may file an application for a protective order under Article 7B.001;

(B) of the court in which the application for a protective order may be filed;

(C) that, on request of the victim or, if the victim is younger than 18 years of age or an adult ward, on request of the victim's parent or guardian or another adult acting on the victim's behalf, the attorney representing the state may, subject to the Texas Disciplinary Rules of Professional Conduct, file the application for a protective order on behalf of the requestor; and

(D) that, subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state generally is required to file the application for a protective order with respect to the victim if the defendant is convicted of or placed on deferred adjudication community supervision for the offense;

(2) the right to:

(A) request that the attorney representing the state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order described by Subdivision (1); and

(B) be notified in the manner provided by Article 56A.0525 when the attorney representing the state files an application for a protective order under Article 7B.001;

(3) if the victim or the victim's parent or guardian, as applicable, is present when the defendant is convicted or placed on deferred adjudication community supervision, the right to:

(A) be given by the court the information described by Subdivision (1), in the manner provided by Article 56A.0525; and

(B) file an application for a protective order under Article 7B.001 immediately following the defendant's conviction or placement on deferred adjudication community supervision if the court has jurisdiction over the application; and

(4) if the victim or the victim's parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (1), in the manner provided by Article 56A.0525.

Commentary by: Chelsey Oden
Source: HB 2596
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

This change extends the rights afforded to victims of certain sexual, stalking, and trafficking offenses to those of burglary offenses that were added this session to Article 7B.001, Code of Criminal Procedure. These are burglary offenses that are defined in 30.02(c)(2) or (d), which is burglary committed in a habitation (second degree felony) and burglary committed in a habitation with the commission of, attempted commission of, or intended commission of a felony other than felony theft (first degree felony).

Code of Criminal Procedure
Art. 56A.0521. ADDITIONAL RIGHTS OF VICTIMS OF CERTAIN FAMILY VIOLENCE OFFENSES, STALKING, AND VIOLATION OF PROTECTIVE ORDER OR CONDITION OF BOND.

(a) This article applies only to an offense:

(1) involving family violence;

(2) under Section 42.072, Penal Code; or

(3) under Section 25.07, 25.071, or 25.072, Penal Code, if a violation that is an element of the offense occurred through the commission of an assault, aggravated assault, or sexual assault or the offense of stalking, regardless of whether that violation occurred with respect to a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code.

(b) A victim, guardian of a victim, or close relative of a deceased victim of an offense described by Subsection (a) is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding:

(A) any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; and

(B) the status of any analysis being performed on any evidence described by Paragraph (A);

(2) if requested, the right to be notified at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;

(3) if requested, the right to be informed about, and confer with the attorney representing the state regarding, the disposition of the offense, including sharing the victim's, guardian's, or relative's views regarding:

(A) a decision not to file charges;

(B) the dismissal of charges;

(C) the use of a pretrial intervention program; or

(D) a plea bargain agreement;

(4) the right to be notified that the attorney representing the state does not represent the victim, guardian of a victim, or close relative of a deceased victim; and

(5) for an offense under Section 42.072, Penal Code, all of the rights provided to victims, parents, and guardians as described by Article 56A.052(d), for the offenses to which that subsection applies.

(c) Subject to Subsection (d), a victim, guardian of a victim, or close relative of a deceased victim who requests to be notified or receive information under Subsection (b) must:

(1) provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense;

(2) inform the attorney representing the state and the law enforcement agency of any change in the address or phone number; and

(3) if the victim, guardian, or relative chooses to receive notifications by e-mail, provide an e-mail address and update any change in that e-mail address.

(d) A victim, guardian of a victim, or close relative of a deceased victim may designate a person, including an entity that provides services to victims of an offense described by Subsection (a), to receive any notice requested under Subsection (b)(2). This person may not be the person charged with the offense.

(e) If a victim of an offense described by Subsection (a) is also entitled to additional rights under Article 56A.052, or if a conflict exists between this article and Article 56A.052, that article controls.

Commentary by: Chelsey Oden

Source: SB 1120 (only portions of this bill are included here)

Effective Date: September 1, 2025

Applicability: This article applies only to offenses occurring on or after the effective date involving family violence; offenses under Section 42.072 of the Penal Code (stalking); or offenses under Sections 25.07, 25.071, or 25.072 of the Penal Code, if a violation that is an element of the

offense occurred through the commission of assault, aggravated assault, sexual assault, or stalking. This applies regardless of whether the violation involved a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005 of the Family Code.

Summary of Changes

This bill updates the Code of Criminal Procedure to strengthen protections for victims in cases involving family violence, stalking, and violations of protective orders or bond conditions. It ensures that victims, their legal guardians, or close relatives of deceased victims are notified—whether or not they request it—that the prosecuting attorney does not serve as their personal legal representative. When applicable, they must also be informed of their rights under Subsection (d), Article 56.052 of the Code of Criminal Procedure.

Upon request, they must be informed of evidence collected, unless disclosure would interfere with the case; if delayed, an estimated release date must be provided. These individuals must also be notified when evidence is submitted to a crime lab, updated on its status, and advised of their right to confer with the prosecutor about case disposition, including decisions not to file or dismiss charges, use pretrial intervention, or enter a plea agreement. Those requesting information under Subsection (b) may receive updates by mail, phone, or email and must provide current contact information to the prosecutor and law enforcement. If Article 56A.052 also applies and conflicts with this article (56A.0521), Article 56A.052 prevails.

Code of Criminal Procedure Art. 56A.351. PRESENCE OF SEXUAL ASSAULT PROGRAM ADVOCATE.

(a) Before conducting a forensic medical examination of a victim who consents to the examination for the collection of evidence for an alleged sexual assault, the physician or other medical services personnel conducting the examination shall offer the victim the opportunity to have an advocate from a sexual assault program as defined by Section 420.003, Government Code, be present with the victim during the examination, if the advocate is available at the time of the examination. The advocate must have completed a sexual assault training program described by Section 420.011(b), Government Code.

(b) An advocate may only provide the victim with:

(1) counseling and other support services; and

(2) information regarding the rights of crime victims under Subchapter B.

(c) Notwithstanding Subsection (a), an advocate and a sexual assault program providing the advocate may not delay or otherwise impede the screening or stabilization of an emergency medical condition.

(d) A sexual assault program providing an advocate shall pay all costs associated with providing the advocate. (e) Any individual or entity, including a health care facility, that provides an advocate with access under Subsection (a) to a victim consenting to a forensic medical examination is not subject to civil or criminal liability for providing that access. [~~In this article, "health care facility" includes a hospital licensed under Chapter 241, Health and Safety Code.~~]

(f) An individual or entity, including a health care facility, that is required to offer a victim the opportunity to have an advocate from a sexual assault program be present with the victim during the forensic medical examination shall document:

(1) whether the offer was extended to the victim;

(2) whether the advocate was available at the time of the examination; and

(3) if the offer was not extended to the victim, the reason the offer was not extended to the victim.

(g) In this article, "health care facility" includes a hospital licensed under Chapter 241, Health and Safety Code.

Commentary by: Chelsey Oden

Source: SB 761

Effective Date: September 1, 2025

Applicability: A health care individual or entity, including a hospital, conducting a forensic medica examination of a victim reporting a sexual assault

Summary of Changes

Under Article 56A.351 of the Code of Criminal Procedure, medical providers must offer victims

the opportunity to have a sexual assault program advocate present, if one is available, before conducting a forensic exam. The bill requires documentation of whether the offer was made to the victim, the reason if it was not, and whether an advocate was available at the time of the exam.

Property Code Sec. 92.0161. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING CERTAIN SEX OFFENSES OR STALKING.

(c) If the tenant is a victim or a parent or guardian of a victim of sexual assault under Section 22.011, Penal Code, aggravated sexual assault under Section 22.021, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual performance by a child under Section 43.25, Penal Code, continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, or an attempt to commit any of the foregoing offenses under Section 15.01, Penal Code, that takes place during the preceding six-month period [~~on the premises or at any dwelling on the premises~~], the tenant shall provide to the landlord or the landlord's agent a copy of:

(1) documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed health care services provider who examined the victim;

(2) documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed mental health services provider who examined or evaluated the victim;

(3) documentation of the assault or abuse, or attempted assault or abuse, of the victim from an individual authorized under Chapter 420, Government Code, who provided services to the victim; or

(4) documentation of a protective order issued under Subchapter A, Chapter 7B, Code of Criminal Procedure, except for a temporary ex parte order.

Commentary by: Chelsey Oden
Source: HB 47
Effective Date: September 1, 2025
Applicability: Applies to conduct committed on or after the effective date of this act

Summary of Changes

A tenant who is a victim, or the parent or guardian of a victim, of certain crimes may terminate their lease without incurring liability, provided this occurs within six months following the commission of the offense. These offenses include sexual assault, aggravated sexual assault, indecency with a child, sexual performance by a child, continuous sexual abuse of a young child or disabled individual, or an attempt to commit any of the aforementioned offenses. Currently, the tenant is required to provide the landlord with the necessary documentation on the leased premises or at any dwelling located on the leased premises. This bill removes that requirement, allowing the tenant to provide the documentation at any location.

Topic: Continuing Medical Care for Victims of Certain Offenses

Family Code Sec. 57.002. VICTIM'S RIGHTS.

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the juvenile justice system:

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the court or person appointed by the court take the safety of the victim or the victim's family into consideration as an element in determining whether the child should be detained before the child's conduct is adjudicated;

(3) the right, if requested, to be informed of relevant court proceedings, including appellate proceedings, and to be informed in a timely manner if those court proceedings have been canceled or rescheduled;

(4) the right to be informed, when requested, by the court or a person appointed by the court concerning the procedures in the juvenile justice system, including general procedures relating to:

(A) the preliminary investigation and deferred prosecution of a case; and

(B) the appeal of the case;

(5) the right to provide pertinent information to a juvenile court conducting a disposition hearing concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before the court renders its disposition;

(6) the right to receive information:

(A) regarding compensation to victims as provided by Chapter 56B, Code of Criminal Procedure, including information relating to the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter;

(B) for a victim of a sexual assault, regarding the payment under Subchapter G, Chapter 56A, Code of Criminal Procedure, for a forensic medical examination and for any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following that examination; and

(C) when requested, providing a referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of procedures for release under supervision or transfer of the person to the custody of the Texas Department of Criminal Justice for parole, to participate in the release or transfer for parole process, to be notified, if requested, of the person's release, escape, or transfer for parole proceedings concerning the person, to provide to the Texas Juvenile Justice Department for inclusion in the person's file information to be considered by the department before the release under supervision or transfer for parole of the person, and to be notified, if requested, of the person's release or transfer for parole;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the child alleged to have committed the conduct and relatives of the child, before testifying in any proceeding concerning the child, or, if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the child and the child's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to be present at all public court proceedings related to the conduct of the child as provided by Section 54.08, subject to that section; and

(12) any other right appropriate to the victim that a victim of criminal conduct has under Subchapter B, Chapter 56A, Code of Criminal Procedure.

Code of Criminal Procedure Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL ASSAULT, STALKING, OR TRAFFICKING.

(a) A victim, guardian of a victim, or close relative of a deceased victim of an offense under Section 21.02, 21.11, 22.011, 22.012, 22.021, or 42.072, Penal Code, is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information, in the manner provided by Article 56A.0525, regarding:

(A) any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; and

(B) the status of any analysis being performed on any evidence described by Paragraph (A);

(2) if requested, the right to be notified in the manner provided by Article 56A.0525:

(A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;

(B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and

(C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

(3) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection;

(4) if requested, the right to be informed about, and confer with the attorney representing the state regarding, the disposition of the offense, including sharing the victim's, guardian's, or relative's views regarding:

(A) a decision not to file charges;

(B) the dismissal of charges;

(C) the use of a pretrial intervention program; or

(D) a plea bargain agreement; and

(5) for the victim, the right to:

(A) testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; [~~and~~]

(B) a forensic medical examination as provided by Subchapter G<u>; and</u>

<u>(C) any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following a forensic medical examination, as provided by Subchapter G</u>.

Code of Criminal Procedure Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION.

(a) On application to the attorney general and subject to Article 56A.305(e), a health care provider that provides a forensic medical examination to a sexual assault survivor in accordance with this subchapter, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination in accordance with this subchapter, as applicable, is entitled to be reimbursed in an amount set by attorney general rule for:

(1) the reasonable costs of the forensic portion of that examination;

(2) the evidence collection kit; and

(3) the reasonable costs of other medical care provided to the victim during the forensic medical examination in accordance with Subchapters A and B, Chapter 323, Health and Safety Code<u>, and of any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following that examination, including medication and medical testing</u>.

Code of Criminal Procedure Art. 56A.401. NOTIFICATION OF RIGHTS.

At the initial contact or at the earliest possible time after the initial contact between a victim of a reported offense and the law enforcement agency having the responsibility for investigating the offense, the agency shall provide the victim a written notice containing:

(1) information about the availability of emergency and medical services, if applicable;

(2) information about the rights of crime victims under Subchapter B;

(3) notice that the victim has the right to receive information:

(A) regarding compensation to victims of crime as provided by Chapter 56B, including information relating to the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter;

(B) for a victim of a sexual assault, regarding the payment under Subchapter G for a forensic medical examination and for any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following that examination, as provided by Subchapter G; and

(C) providing a referral to available social service agencies that may offer additional assistance;

(4) the name, address, and phone number of the law enforcement agency's crime victim liaison;

(5) the name, address, and phone number of the victim assistance coordinator of the office of the attorney representing the state; and

(6) the following statement:

"You may call the law enforcement agency's telephone number for the status of the case and information about victims' rights."

Code of Criminal Procedure Art. 56A.451. NOTIFICATION OF RIGHTS.

(a) Not later than the 10th day after the date that an indictment or information is returned against a defendant for an offense, the attorney representing the state shall give to each victim of the offense a written notice containing:

(1) the case number and assigned court for the case;

(2) a brief general statement of each procedural stage in the processing of a criminal case, including bail, plea bargaining, parole restitution, and appeal;

(3) suggested steps the victim may take if the victim is subjected to threats or intimidation;

(4) the name, address, and phone number of the local victim assistance coordinator; and

(5) notification of:

(A) the rights and procedures under this chapter, Chapter 56B, and Subchapter B, Chapter 58;

(B) the right to file a victim impact statement with the office of the attorney representing the state and the department;

(C) the right to receive information:

(i) regarding compensation to victims of crime as provided by Chapter 56B, including information relating to the costs that may be compensated under that chapter, eligibility for compensation, and procedures for application for compensation under that chapter;

(ii) for a victim of a sexual assault, regarding the payment under Subchapter G for a forensic medical examination and for any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following that examination, as provided by Subchapter G; and

(iii) providing a referral to available social service agencies that may offer additional assistance; and

(D) the right of a victim, guardian of a victim, or close relative of a deceased victim, as defined by Section 508.117, Government Code, to appear in person before a member of the board as provided by Section 508.153, Government Code.

Commentary by: Chelsey Oden
Source: HB 47 (only portions of the bill are included here)
Effective Date: September 1, 2025
Applicability: Applies only to a sexual assault or other sexual offense that is first reported on or after the effective date of this Act

Summary of Changes

This bill affirms that a victim is entitled to receive continuing medical care related to a sexual assault during the 30-day period following a forensic medical examination, pursuant to Subchapter G (Forensic Medical Examination of Sexual Assault Victim) of this chapter. Law enforcement must inform the victim of this right either during initial contact or as soon as practicable. Additionally, the prosecuting attorney must notify the victim of this right no later than 10 days after an indictment or information is filed. Health care providers who perform the examination are entitled to reimbursement for medical care provided during this 30-day period.

Topic: Notifications Required to be Made by Law Enforcement

Code of Criminal Procedure Art. 56A.3515. PRESENCE OF SEXUAL ASSAULT PROGRAM ADVOCATE OR OTHER VICTIM'S REPRESENTATIVE DURING LAW ENFORCEMENT INTERVIEW.

(a) Before conducting an investigative interview with a victim reporting a sexual assault, other than a victim who is a minor as defined by Section 101.003, Family Code, the peace officer or other individual conducting the interview shall offer the victim the opportunity to have an advocate from a sexual assault program, as defined by Section 420.003, Government Code, be present with the victim during the interview, if the advocate is available at the time of the interview. The advocate must have completed a sexual assault training program described by Section 420.011(b), Government Code.

(b) If an advocate described by Subsection (a) is not available at the time of the interview, the peace officer or other individual conducting the interview shall offer the victim the opportunity to have a crime victim liaison from the law enforcement agency, a peace officer who has completed a sexual assault training program described by Section 420.011(b), Government Code, or a victim's assistance counselor from a state or local agency or other entity be present with the victim during the interview.

(b-1) The peace officer or other individual conducting an investigative interview described by Subsection (a) shall make a good faith effort to comply with Subsections (a) and (b), except that the officer's or individual's compliance with those subsections may not unreasonably delay or otherwise impede the interview process.

(b-2) A victim described by Subsection (a) has the right to have an attorney present during an investigative interview with the victim. The attorney may not unreasonably delay or otherwise impede the interview process.

(c) An advocate, liaison, officer, or counselor authorized to be present during an interview under this article may only provide the victim reporting the sexual assault with:

(1) counseling and other support services; and

(2) information regarding the rights of crime victims under Subchapter B.

(d) The advocate, liaison, officer, or counselor and the sexual assault program or other entity providing the advocate, liaison, officer, or counselor may not unreasonably delay or otherwise impede the interview process.

(e) A sexual assault program providing an advocate under Subsection (a) shall pay all costs associated with providing the advocate. An entity providing a victim's assistance counselor under Subsection (b) shall pay all costs associated with providing the counselor.

(f) An individual or entity ~~[A peace officer or law enforcement agency]~~ that provides an advocate, liaison, officer, or counselor with access to a victim reporting a sexual assault is not subject to civil or criminal liability for providing that access.

Commentary by: Chelsey Oden
Source: SB 761 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies to peace officers or individuals interviewing a victim reporting a sexual assault on or after the effective date of this act

Summary of Changes

Currently, a peace officer conducting an investigative interview with a victim reporting a sexual assault, other than a victim who is a minor as defined by Section 101.003 of the Family Code must offer the victim the opportunity to have an advocate present for the interview. The bill extends the requirement to all individuals conducting interviews. It also clarifies that while advocates may be present, they must not *unreasonably* delay or interfere with the process. Similarly, the bill extends protection from civil or criminal liability to any individual or entity that provides an advocate or related party access to the reporting victim.

Topic: Notifications Required to be Made by Prosecuting Attorney

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Code of Criminal Procedure Art. 56A.051. GENERAL RIGHTS.

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from a law enforcement agency adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate consider the safety of the victim or the victim's family in setting the amount of bail for the defendant;

(3) if requested, the right to be informed in the manner provided by Article 56A.0525:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, at least five business days before the date of each proceeding or otherwise as soon as reasonably practicable, and to be informed as soon as possible if those proceedings have been canceled or rescheduled before the event; and

(B) by an appellate court of the court's decisions, after the decisions are entered but before the decisions are made public;

(4) when requested, the right to be informed in the manner provided by Article 56A.0525:

(A) by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations; and

(B) by the office of the attorney representing the state concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a community supervision and corrections department conducting a presentencing investigation concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before any sentencing of the defendant;

(6) the right to receive information, in the manner provided by Article 56A.0525:

(A) regarding compensation to victims of crime as provided by Chapter 56B, including information related to the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter;

(B) for a victim of a sexual assault, regarding the payment under Subchapter G for a forensic medical examination; and

(C) when requested, providing a referral to available social service agencies that may offer additional assistance;

(7) the right to:

(A) be informed, on request, and in the manner provided by Article 56A.0525, of parole procedures;

(B) participate in the parole process;

(C) provide to the board for inclusion in the defendant's file information to be considered by the board before the parole of any defendant convicted of any offense subject to this chapter; and

(D) be notified in the manner provided by Article 56A.0525, if requested, of parole proceedings concerning a defendant in the victim's case and of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the defendant and relatives of the defendant, before testifying in any proceeding concerning the defendant; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the defendant and the defendant's relatives and witnesses, before and during court proceedings;

(9) the right to the prompt return of any of the victim's property that is held by a law enforcement agency or the attorney representing the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney representing the state notify the victim's employer, if requested, that the victim's cooperation and testimony is necessary in a proceeding that may

require the victim to be absent from work for good cause;

(11) the right to request victim-offender mediation coordinated by the victim services division of the department;

(12) the right to be informed, in the manner provided by Article 56A.0525, of the uses of a victim impact statement and the statement's purpose in the criminal justice system as described by Subchapter D, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the board before a defendant is released on parole;

(13) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by the defendant's attorney, the court shall state on the record the reason for granting or denying the continuance; and

(14) if the offense is a capital felony, the right to:

(A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;

(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and

(C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.

Code of Criminal Procedure Art. 56A.452. NOTIFICATION OF SCHEDULED COURT PROCEEDINGS.

(a) If requested by the victim, the attorney representing the state, at least five business days before the date of the court proceeding or the filing of the continuance request or otherwise as soon [~~far~~] as reasonably practicable [~~practical~~], shall give the victim notice of:

(1) any scheduled court proceedings [~~and changes in that schedule~~]; and

(2) the filing of a request for continuance of a trial setting.

(b) If requested by the victim, the attorney representing the state shall give the victim notice of any changes in scheduled court proceedings as soon as possible.

Commentary by: Chelsey Oden
Source: SB 761 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies only to victims of criminally injurious conduct occurring on or after the effective date

Summary of Changes

Current law grants victims, guardians of victims, or close relatives of deceased victims the right, upon request, to be notified in advance of any relevant court proceedings, including those that are rescheduled or canceled. This bill clarifies that victims have the right to receive such notification at least five business days in advance or as soon as reasonably practicable. This bill also clarifies victims have the right to receive notification of any rescheduled or canceled proceedings as promptly as possible. Under Article 56A.452 of the Code of Criminal Procedure, the bill requires the attorney representing the state make these notifications in a timely manner.

Code of Criminal Procedure Art. 56A.451. NOTIFICATION OF RIGHTS.

(a) Not later than the 10th day after the date that an indictment or information is returned against a defendant for an offense, the attorney representing the state shall give to each victim of the offense a written notice containing:

(1) the case number and assigned court for the case;

(2) a brief general statement of each procedural stage in the processing of a criminal case, including bail, plea bargaining, parole restitution, and appeal;

(3) a statement that the attorney representing the state does not represent the victim, guardian of a victim, or close relative of a deceased victim;

(4) suggested steps the victim may take if the victim is subjected to threats or intimidation;

(5) [~~(4)~~] the name, address, and phone number of the local victim assistance coordinator; and

(6) [~~(5)~~] notification of:

(A) the rights and procedures under this chapter, Chapter 56B, and Subchapter B, Chapter 58;

(B) the right to file a victim impact statement with the office of the attorney representing the state and the department;

(C) the right to receive information:

(i) regarding compensation to victims of crime as provided by Chapter 56B, including information relating to the costs that may be compensated under that chapter, eligibility for compensation, and procedures for application for compensation under that chapter;

(ii) for a victim of a sexual assault, regarding the payment under Subchapter G for a forensic medical examination; and

(iii) providing a referral to available social service agencies that may offer additional assistance; [~~and~~]

(D) the right of a victim, guardian of a victim, or close relative of a deceased victim, as defined by Section 508.117, Government Code, to appear in person before a member of the board as provided by Section 508.153, Government Code; and

(E) the right of a victim, guardian of a victim, or close relative of a deceased victim to assert the rights granted by this chapter either orally or in writing, and either individually or through an attorney, as provided by Article 56A.0531.

(b) The brief general statement required by Subsection (a)(2) that describes the plea bargaining stage in a criminal trial must include a statement that:

(1) a victim impact statement provided by a victim, guardian of a victim, or close relative of a deceased victim will be considered by the attorney representing the state in entering into a plea bargain agreement; and

(2) the judge before accepting a plea bargain agreement is required under Article 26.13(e) to ask:

(A) whether a victim impact statement has been returned to the attorney representing the state;

(B) if a victim impact statement has been returned, for a copy of the statement; and

(C) whether the attorney representing the state has given the victim, guardian of a victim, or close relative of a deceased victim notice of the existence and terms of the plea bargain agreement.

Commentary by: Chelsey Oden
Source: SB 761 (only portions of this bill are included here)
Effective Date: September 1, 2025
Applicability: Applies only to victims of criminally injurious conduct occurring on or after the effective date

Summary of Changes

This bill also requires the prosecuting attorney to provide written notice, no later than 10 days after an indictment or information is returned against the defendant, to a victim, the guardian of a victim, or a close relative of a deceased victim, informing them of their right to assert these rights orally or in writing, either on their own or through legal counsel. Finally, the bill requires the prosecuting attorney to notify these individuals, within the same 10-day period, that the prosecutor does not represent them.

Topic: Mandatory Restitution for Victims of Certain Offenses

Code of Criminal Procedure Art. 42.0372. MANDATORY RESTITUTION FOR [~~CHILD~~] VICTIMS OF TRAFFICKING OF PERSONS OR [~~COMPELLING~~] PROSTITUTION RELATED OFFENSES.

(a) The court shall order a defendant convicted of an offense under Chapter 20A or Subchapter A, Chapter 43 [~~Section 20A.02 or 43.05(a)(2)~~], Pe-

nal Code, to pay restitution in an amount equal to:

(1) the cost of necessary rehabilitation, including medical, psychiatric, and psychological care and treatment; and

(2) the cost of the removal of a tattoo the victim received as a result of force, fraud, or coercion related to the offense[~~, for any victim of the offense who is younger than 18 years of age~~].

Code of Criminal Procedure Art. 56B.003. DEFINITIONS.

(10) "Pecuniary loss" means the amount of the expense reasonably and necessarily incurred as a result of personal injury or death for:

(A) medical, hospital, nursing, or psychiatric care or counseling, or physical therapy;

(B) actual loss of past earnings and anticipated loss of future earnings and necessary travel expenses because of:

(i) a disability resulting from the personal injury;

(ii) the receipt of medically indicated services related to the disability; or

(iii) participation in or attendance at investigative, prosecutorial, or judicial processes or any postconviction or postadjudication proceeding relating to criminally injurious conduct;

(C) care of a child or dependent, including specialized care for a child who is a victim;

(D) funeral and burial expenses, including, for a family member or household member of the victim, the necessary expenses of traveling to and attending the funeral;

(E) loss of support to a dependent, consistent with Article 56B.057(b)(5);

(F) reasonable and necessary costs of cleaning the crime scene;

(G) reasonable replacement costs for clothing, bedding, or property of the victim seized as evidence or rendered unusable as a result of the criminal investigation;

(H) reasonable and necessary costs for relocation and housing rental assistance payments as provided by Articles 56B.106(c) and (c-1);

(I) for a family member or household member of a deceased victim, bereavement leave; [~~and~~]

(J) reasonable and necessary costs of traveling to and from a place of execution to witness the execution, including lodging near the place where the execution is conducted; and

(K) tattoo removal as provided by Article 56B.106(c-4).

Code of Criminal Procedure Art. 56B.106. LIMITS ON COMPENSATION.

(c-4) A victim of trafficking of persons may receive compensation in an amount not to exceed $3,000 for the removal of a tattoo the victim received as a result of force, fraud, or coercion related to the applicable offense.

Commentary by: Chelsey Oden
Source: SB 1804
Effective Date: September 1, 2025
Applicability: Applies to offense committed on or after the effective date

Summary of Changes

Currently, under Article 42.0372 of the Code of Criminal Procedure, a defendant convicted of any trafficking of persons or prostitution-related offense is required to pay restitution to a victim younger than 18 years of age in an amount equal to the cost of necessary medical, psychiatric, and psychological care and treatment. This bill removes the age restriction, extending the ability to recover restitution to all victims of such offenses. Additionally, the bill requires the court to order a defendant to pay restitution equal to the cost of removing any tattoo the victim received as a result of force, fraud, or coercion related to the applicable offenses. Article 56B.106 of the Code of Criminal Procedure limits this amount to no more than $3,000.

Topic: Emergency Awards

Code of Criminal Procedure Art. 56B.102. EMERGENCY AWARD.

(a) The [~~Before acting on an application for compensation under this chapter, the~~] attorney general may make an emergency award for anticipated pecuniary losses if it appears likely that:

(1) a final award will be made; and

(2) the claimant or victim will suffer undue hardship if immediate economic relief is not obtained.

(c) The amount of an emergency award must be:

(1) deducted from the final award; or

(2) repaid by and recoverable from the claimant or victim to the extent the emergency award exceeds the final award.

(d) The limitations on emergency awards described by Subsections (a)(1) and (c) do not apply to an application for compensation under this chapter:

(1) made by a claimant in relation to a deceased victim; and

(2) arising from criminally injurious conduct that resulted in a proclaimed state of emergency under Section 433.001, Government Code.

Commentary by: Chelsey Oden
Source: HB 3745
Effective Date: September 1, 2025

Applicability: Applies only to compensation for criminally injurious conduct occurring on or after the effective date

Summary of Changes

Under Article 56B.102, the attorney general may pay certain persons with an emergency award for any anticipated pecuniary losses when it appears likely a final award will be made and the person would suffer undue hardship without the emergency award. In the event a final award is made, it shall be reduced by the amount of any emergency award previously granted. Alternatively, if a final award is not made, the emergency award must be returned to the extent the emergency award exceeds the final. This bill removes some of these limitations when certain persons apply for an emergency award in limited circumstances. Specifically, persons related to a victim whose death arises from criminally injurious conduct which resulted in a proclaimed state of emergency. For these individuals, an emergency award may be made whether it appears likely or not that a final award will be made. Additionally, these individuals would not be required to repay an emergency award by any means.

Education Code

Topic: School Discipline

Education Code Sec. 37.001. STUDENT CODE OF CONDUCT.

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, disciplinary alternative education program, or vehicle owned or operated by the district;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program, which must expressly provide that an appropriate administrator may place a student in a disciplinary alternative education program for the first-time offense of possession or use of a nicotine delivery product or e-cigarette, as defined by Section 161.081, Health and Safety Code;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history;

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(E) a student's status in the conservatorship of the Department of Family and Protective Services; or

(F) a student's status as a student who is homeless;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions;

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom, on school grounds, and on a vehicle owned or operated by the district;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists; [~~and~~]

(9) include an explanation of the provisions regarding refusal of entry to or ejection from district property under Section 37.105, including the appeal process established under Section 37.105 (h); and

(10) include a statement regarding whether the board has adopted a policy for parental involvement in school disciplinary placements under Section 37.0014 and, if so, the provisions of the policy.

(b) In this section:

(1) "Bullying" has the meaning assigned by Section 37.0832.

(2) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

(3) "Hit list" means a list of people targeted to be harmed, using:

(A) a firearm, as defined by Section 46.01 (3), Penal Code;

(B) a knife, as defined by Section 46.01 (7), Penal Code; or

(C) any other object to be used with intent to cause bodily harm.

(4) "Student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

(b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined in a manner that results in a change in the student's educational placement for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct.

(c) Once the student code of conduct is promulgated, any change or amendment must be approved by the board of trustees.

(d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct.

(e) Except as provided by Section 37.007 (e), this subchapter does not require the student code of conduct to specify a minimum term of a removal under Section 37.006 or an expulsion under Section 37.007.

Education Code Sec. 37.0012. DESIGNATION OF CAMPUS BEHAVIOR COORDINATOR.

(a) A single person at each campus must be designated to serve as the campus behavior coordinator. The person designated may be the principal of the campus or any other campus administrator selected by the principal.

(a-1) Additional school staff members may assist the campus behavior coordinator in the performance of the campus behavior coordinator's duties, provided that the campus behavior coordinator personally verifies that all aspects of this subchapter are appropriately implemented.

(b) The campus behavior coordinator is primarily responsible for maintaining student discipline and the implementation of this subchapter.

(b-1) The campus behavior coordinator shall:

(1) monitor disciplinary referrals;

(2) report to the campus's threat assessment and safe and supportive school team established under Section 37.115 any student who engages in conduct that contains the elements of:

(A) the offense of terroristic threat under Section 22.07, Penal Code;

(B) the offense of unlawfully carrying weapons under Section 46.02, Penal Code;

(C) an offense relating to prohibited weapons under Section 46.05, Penal Code; or

(D) the offense of exhibiting, using, or threatening to exhibit or use a firearm under Section 37.125 of this code; and

(3) report to the campus's threat assessment and safe and supportive school team established under Section 37.115 any concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.

(c) Except as provided by this chapter, the specific duties of the campus behavior coordinator may be established by campus or district policy. Unless otherwise provided by campus or district policy:

(1) a duty imposed on a campus principal or other campus administrator under this subchapter shall be performed by the campus behavior coordinator; and

(2) a power granted to a campus principal or other campus administrator under this subchapter may be exercised by the campus behavior coordinator.

(d) The campus behavior coordinator shall promptly notify a student's parent or guardian as provided by this subsection if under this subchapter the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law enforcement officer. A campus behavior coordinator must comply with this subsection by:

(1) promptly contacting the parent or guardian by telephone or in person; and

(2) making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.

(e) If a parent or guardian entitled to notice under Subsection (d) has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

(f) If a campus behavior coordinator is unable or not available to promptly provide notice under Subsection (d), the principal or other designee shall provide the notice.

Education Code Sec. 37.0014. POLICY FOR PARENTAL INVOLVEMENT IN SCHOOL DISCIPLINARY PLACEMENTS.

(a) The board of trustees of a school district may adopt a policy for parental involvement in school disciplinary placements.

(b) A policy adopted under this section must provide for:

(1) the principal, campus behavior coordinator, or other appropriate administrator to notify the parent of or person standing in parental relation to a student who has been placed in a disciplinary alternative education program or expelled of the parent's or person's right to request a behavioral agreement that specifies the responsibilities of the parent or person and student to be developed; and

(2) if a behavioral agreement described by Subdivision (1) is developed and the student and the student's parent or person standing in parental relation comply with the terms of the agreement, subject to Subsection (c), a reduction in the period of the disciplinary placement imposed on the student.

(c) A reduction in the period of a disciplinary placement under Subsection (b)(2) does not entitle the student for whom the period of placement was reduced to a different disciplinary placement. The reduction in the period of a disciplinary placement is at the sole discretion of the principal, campus behavior coordinator, or other appropriate administrator and may be revoked or amended at any time if the student or the student's parent or person standing in parental relation does not comply with the terms of the behavioral agreement developed under Subsection (b)(1).

(d) A behavioral agreement developed under Subsection (b)(1) must include in writing the specific reduction in the period of the student's disciplinary placement with which the student will be credited if the student and the student's parent or person standing in parental relation comply with the terms of the behavioral agreement.

(e) The commissioner shall adopt a model behavioral agreement for use by school districts in developing a behavioral agreement under Subsection (b)(1).

Education Code Sec. 37.002. REMOVAL BY TEACHER.

(a) A teacher may send a student to the campus behavior coordinator's office to maintain effective discipline in the classroom. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001 that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the student code of conduct.

(b) A teacher may remove from class a student who:

(1) repeatedly interferes [~~who has been documented by the teacher to repeatedly interfere~~] with the teacher's ability to communicate effec-

tively with the students in the class or with the ability of the student's classmates to learn; [~~or~~]

(2) demonstrates [~~whose~~] behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student; or

(3) engages in conduct that constitutes bullying, as defined by Section 37.0832 [~~determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn~~].

(b-1) A teacher may document any conduct by a student that does not conform to the student code of conduct adopted under Section 37.001 and may submit that documentation to the principal. A school district may not discipline a teacher on the basis of documentation submitted under this subsection.

(b-2) A teacher, campus behavior coordinator, or other appropriate administrator shall notify a parent or person standing in parental relation to a student of the removal of a student under this section.

(b-3) Subject to Sections 28.0022 (a)(2) and (d), a teacher may remove a student from class under Subsection (b) of this section based on a single incident of behavior described by Subsection (b)(1), (2), or (3).

(c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's written consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available and, not later than the third class day after the day on which the student was removed from class, a conference in which the teacher has been provided an opportunity to participate has been held in accordance with Section 37.009 (a). The principal may not return the student to that teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student. The principal may only designate an employee of the school whose primary duties do not include classroom instruction to create a return to class plan. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

(c-1) A return to class plan required under Subsection (c) must be created before or at the conference described by that subsection. A plan created before the conference must be discussed at the conference.

(c-2) The commissioner shall adopt a model return to class plan for use by a school district in creating a return to class plan for a student under Subsection (c).

(d) A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's written consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available and a conference in which the teacher has been provided an opportunity to participate has been held in accordance with Section 37.009(a). If the teacher removed the student from class because the student has engaged in the elements of any offense listed in [~~Section 37.006 (a)(2)(B) or~~] Section 37.007 (a)(2)(A) or (a)(4) [~~(b)(2)(C)~~] against the teacher, the student may not be returned to the teacher's class without the teacher's written consent. The teacher may not be coerced to consent.

(e) A student who is sent to the campus behavior coordinator's or other administrator's office under Subsection (a) or removed from class under Subsection (b) is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law.

(f) A student may appeal the student's removal from class under this section to:

(1) the school's placement review committee established under Section 37.003; or

(2) the campus's threat assessment and safe and supportive school team established under Section 37.115, in accordance with a district policy providing for such an appeal to be made to the team.

(f-1) The principal, campus behavior coordinator, or other appropriate administrator shall, at the conference required under Section 37.009 (a), notify a student who has been removed from class under this section and the parent of or person standing in parental relation to the student of the student's right to appeal under Subsection (f).

(g) Section 37.004 applies to the removal or placement under this section of a student with a disability who receives special education services.

Education Code Sec. 37.005. SUSPENSION.

(a) The principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be subject to an in-school or out-of-school suspension [~~suspended~~].

(b) An out-of-school [~~A~~] suspension under this section may not exceed three school days. An in-school suspension under this section is not subject to any time limit.

(b-1) A school's principal or other appropriate administrator shall review the in-school suspension of a student under this section at least once every 10 school days after the date the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate. If the principal or other appropriate administrator determines that continued in-school suspension is appropriate, the principal or other appropriate administrator shall document the determination.

(b-2) A school shall provide a student subject to an in-school suspension under this section with appropriate behavioral support services and comparable educational services as the student would receive in the classroom. If the student receives special education services under Subchapter A, Chapter 29, the student must:

(1) continue to receive special education and related services specified in the student's individualized education program; and

(2) continue to have an opportunity to progress in the general curriculum.

(c) A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:

(1) conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;

(2) conduct that threatens the immediate health and safety of other students in the classroom;

(3) documented conduct that results in repeated or significant disruption to the classroom [~~contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code~~]; or

(4) [~~(3)~~] selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:

(A) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(B) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(C) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

(c-2) On receiving a written request from the student's parent or person standing in parental relation to the student, the principal or other appropriate administrator may at the principal's or other appropriate administrator's sole discretion reassign a student placed in out-of-school suspension under Subsection (c) to an in-school suspension if the student's parent or person standing in parental relation to the student demonstrates through supporting information and documentation that the parent or person is unable to provide suitable supervision for the student during school hours during the period of the suspension. The alternative placement provided by this section may be used only in extenuating circumstances and may not be used as a routine replacement for out-of-school suspension. The school district shall maintain documentation of each reassignment under this subsection, including the parent's or person's request, the reason for the parent's or person's unavailability, and the supporting information and documentation.

(d) A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student

engages in conduct described by Subsections (c)(1)-(4) [~~(c)(1)-(3)~~] while on school property or while attending a school-sponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district's homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

(e) A school district shall provide to a student during the period of the student's suspension under this section, regardless of whether the student is placed in in-school or out-of-school suspension, an alternative means of receiving all course work provided in the classes in the foundation curriculum under Section 28.002 (a)(1) that the student misses as a result of the suspension. The district must provide at least one option for receiving the course work that does not require the use of the Internet.

Education Code Sec. 37.006. REMOVAL FOR CERTAIN CONDUCT.

(a) Subject to the requirements of Section 37.009 (a), a student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code; or

(2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) except as provided by Section 37.007 (a), engages in conduct punishable as a felony;

(B) engages in conduct that contains the elements of the offense of assault under Section 22.01 (a)(1), Penal Code;

(C) except as provided by Section 37.007 (a)(3), sells, gives, or delivers to another person or possesses or uses or is under the influence of:

(i) a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq., excluding marihuana, as defined by Section 481.002, Health and Safety Code, or tetrahydrocannabinol, as defined by rule adopted under Section 481.003 of that code; or

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code;

(C-1) possesses, uses, or is under the influence of, or sells, gives, or delivers to another person marihuana, as defined by Section 481.002, Health and Safety Code, or tetrahydrocannabinol, as defined by rule adopted under Section 481.003 of that code;

(C-2) [~~possesses, uses,~~] sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code;

(D) sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;

(E) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;

(F) engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code; or

(G) engages in conduct that contains the elements of the offense of harassment under Section 42.07 (a)(1), (2), (3), or (7), Penal Code, against an employee of the school district.

(b) A [~~Except as provided by Section 37.007(d), a~~] student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 if the student engages in conduct on or off of school property against any school employee or volunteer as defined by Section 22.053 that contains the elements of the offense of:

(1) retaliation under Section 36.06, Penal Code; or

(2) harassment under Section 42.07, Penal Code[, against any school employee].

(c) In addition to Subsections (a) and (b), a student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

(1) the student receives deferred prosecution under Section 53.03, Family Code, for conduct defined as any of the following offenses under the Penal Code:

(A) a felony offense under [in] Title 5[, Penal Code]; [or]

(B) the offense of deadly conduct under Section 22.05;

(C) the felony offense of aggravated robbery under Section 29.03[, Penal Code];

(D) the offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8); or

(E) the offense of unlawfully carrying weapons under Section 46.02, except for an offense punishable as a Class C misdemeanor under that section;

(2) a court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as an offense listed in Subdivision (1)[:

[(A) a felony offense in Title 5, Penal Code; or

[(B) the felony offense of aggravated robbery under Section 29.03, Penal Code]; or

(3) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as an offense listed in Subdivision (1)[:

[(A) a felony offense in Title 5, Penal Code; or

[(B) the felony offense of aggravated robbery under Section 29.03, Penal Code].

(d) In addition to Subsections (a), (b), and (c), a student may be removed from class and placed in a disciplinary alternative education program under Section 37.008:

(1) if the student:

(A) engages in conduct that contains the elements of the offense of disruptive activities under Section 37.123;

(B) subject to Subsection (d-1), engages in conduct that contains the elements of the offense of disruption of classes under Section 37.124, unless Subsection (d) of that section applies to the student; or

(C) possesses or uses an e-cigarette, as defined by Section 161.081, Health and Safety Code, except that if a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Section 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days; or

(2) based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

(A) [(1)] the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than aggravated robbery under Section 29.03, Penal Code, or those offenses defined in Title 5, Penal Code; and

(B) [(2)] the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

(d-1) A student may be removed from class under Subsection (d)(1)(B) for conduct described by Section 37.124 (c)(1)(A) only if the conduct is intentional and repeated.

(e) In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the superintendent or the superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure, other than information requested under Article 15.27 (k-1), Code of Criminal Procedure.

(f) Subject to Section 37.007 (e), a student who is younger than 10 years of age shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 if the

student engages in conduct described by Section 37.007. An elementary school student may not be placed in a disciplinary alternative education program with any other student who is not an elementary school student.

(g) The terms of a placement under this section must prohibit the student from attending or participating in a school-sponsored or school-related activity.

(h) On receipt of notice under Article 15.27 (g), Code of Criminal Procedure, the superintendent or the superintendent's designee shall review the student's placement in the disciplinary alternative education program. The student may not be returned to the regular classroom pending the review. The superintendent or the superintendent's designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or superintendent's designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or the superintendent's designee may continue the student's placement in the disciplinary alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

(i) The student or the student's parent or guardian may appeal the superintendent's decision under Subsection (h) to the board of trustees. The student may not be returned to the regular classroom pending the appeal. The board shall, at the next scheduled meeting, review the notice provided under Article 15.27 (g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the superintendent or superintendent's designee and confirm or reverse the decision under Subsection (h). The board shall make a record of the proceedings. If the board confirms the decision of the superintendent or superintendent's designee, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner under Subsection (j).

(j) Notwithstanding Section 7.057 (e), the decision of the board of trustees under Subsection (i) may be appealed to the commissioner as provided by Sections 7.057 (b), (c), (d), and (f). The student may not be returned to the regular classroom pending the appeal.

(k) Subsections (h), (i), and (j) do not apply to placements made in accordance with Subsection (a).

(l) Notwithstanding any other provision of this code, other than Section 37.007 (e)(2), a student who is younger than six years of age may not be removed from class and placed in a disciplinary alternative education program.

(m) Removal to a disciplinary alternative education program under Subsection (a) is not required if the student is expelled under Section 37.007 for the same conduct for which removal would be required.

(n) A principal or other appropriate administrator may but is not required to remove a student to a disciplinary alternative education program for off-campus conduct for which removal is required under this section if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

(o) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a principal or a principal's designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

(p) On the placement of a student in a disciplinary alternative education program under this section, the school district shall provide information to the student's parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student under Section 29.004.

Education Code Sec. 37.007. EXPULSION FOR SERIOUS OFFENSES.

(a) Except as provided by Subsection (k) and subject to the requirements of Section 37.009(a), a student shall be expelled from a school if the student, [~~on school property or while attending a school-sponsored or school-related activity~~] on or off of school property:

(1) engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Penal Code;

(2) engages in conduct that contains the elements of the offense of:

(A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(B) arson under Section 28.02, Penal Code;

(C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;

(D) indecency with a child under Section 21.11, Penal Code;

(E) kidnapping under Section 20.03, Penal Code, or aggravated kidnapping under Section 20.04, Penal Code;

(F) burglary under Section 30.02, Penal Code, robbery under Section 29.02, Penal Code, or aggravated robbery under Section 29.03, Penal Code;

(G) manslaughter under Section 19.04, Penal Code;

(H) criminally negligent homicide under Section 19.05, Penal Code; or

(I) continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code; [~~or~~]

(3) engages in conduct specified by Section 37.006 (a)(2)(C), if the conduct is punishable as a felony;

(4) engages in conduct that contains the elements of the offense of assault under Section 22.01 (a)(1), Penal Code, against a school district employee or volunteer as defined by Section 22.053 of this code; or

(5) engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Section 37.125 of this code.

(b) A student may be expelled if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code;

(2) while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

(A) except as provided by Subsection (a)(3), sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:

(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or

(iii) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code;

(B) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code; or

(C) [~~engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Section 22.053; or~~

[~~(D)~~] engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code;

(3) [~~subject to Subsection (d),~~] while within 300 feet of school property, as measured from any point on the school's real property boundary line, [~~:~~

[~~(A) engages in conduct specified by Subsection (a); or~~

[~~(B)~~] possesses a firearm, as defined by 18 U.S.C. Section 921;

[~~(4) engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property;~~] or

(4) [~~(5)~~] engages in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Penal Code, if:

(A) the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and

(B) the student knowingly:

(i) alters, damages, or deletes school district property or information; or

(ii) commits a breach of any other computer, computer network, or computer system.

(c) A student may be expelled if the student, while placed in a disciplinary alternative education program, engages in documented serious misbehavior while on the program campus despite documented behavioral interventions. For purposes of this subsection, "serious misbehavior" means:

(1) deliberate violent behavior that poses a direct threat to the health or safety of others;

(2) extortion, meaning the gaining of money or other property by force or threat;

(3) conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or

(4) conduct that constitutes the offense of:

(A) public lewdness under Section 21.07, Penal Code;

(B) indecent exposure under Section 21.08, Penal Code;

(C) criminal mischief under Section 28.03, Penal Code;

(D) personal hazing under Section 37.152; or

(E) harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

[~~(d) A student shall be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a), and may be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.~~]

(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:

(1) the superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U.S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;

(2) the district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and

(3) the district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008.

(f) A student who engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, may be expelled at the district's discretion if the conduct is punishable as a felony under that section. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.

(g) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a school district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

(h) Subject to Subsection (e), notwithstanding any other provision of this section, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by this section.

[~~(i) A student who engages in conduct described by Subsection (a) may be expelled from school by the district in which the student attends school if the student engages in that conduct:~~

~~(1) on school property of another district in this state; or~~

~~(2) while attending a school sponsored or school related activity of a school in another district in this state.~~]

(k) A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:

(1) at an approved target range facility that is not located on a school campus; and

(2) while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.

(l) Subsection (k) does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity described by that subsection.

Education Code Sec. 37.0083. VIRTUAL EXPULSION PROGRAM.

(a) The principal or other appropriate administrator may place a student who has been expelled under Section 37.007 or 37.0081 in a virtual expulsion program established by the district and provide virtual instruction and instructional materials for remote learning to the student only if:

(1) the school district is located in a county that operates a juvenile justice alternative education program or the school district contracts with the juvenile board of another county for the provision of a juvenile justice alternative education program, and the juvenile justice alternative education program rejects admission of the student or returns the student before the expiration of the discipline assignment; or

(2) the school district is not located in a county that operates a juvenile justice alternative education program and does not contract with the juvenile board of another county for the provision of a juvenile justice alternative education program.

(a-1) If the principal or other appropriate administrator places a student in a virtual expulsion program under this section, the school district shall ensure that the student has suitable computer equipment and Internet access and provide the computer equipment and Internet access if necessary.

(b) A school district must ensure that, to the extent practicable in a virtual setting, the district's virtual expulsion program complies with the requirements for a disciplinary alternative education program under Section 37.008.

(c) The principal or other appropriate administrator shall review the placement of a student in a virtual expulsion program under this section at least once every 45 school days after the date the placement begins to determine if continued placement in the program is appropriate. The review must consider whether a position for the grade level in which the student is enrolled has become available in an in-person setting under Subsection (a)(1). If the principal or other appropriate administrator determines that such a position has become available, the school district shall plan for the student's transition to an in-person setting as soon as practicable. If the principal or other appropriate administrator determines

that continued placement is appropriate, the principal or other appropriate administrator shall document the determination.

(d) A student placed in a virtual expulsion program shall be counted toward the district's average daily attendance for purposes of receipt of state funds under the Foundation School Program if the district can confirm the student's daily attendance in the virtual expulsion program.

(e) A school district may not require a teacher who provides virtual instruction to students in a virtual expulsion program to provide virtual instruction and in-class instruction for a course during the same class period.

(f) A teacher may not provide instruction for a virtual expulsion program course unless the teacher has completed a professional development course on virtual instruction.

(g) The commissioner shall adopt rules as necessary to implement this section, including rules providing for a method of taking attendance for students placed in a virtual expulsion program and rules requiring school districts to provide basic professional development training for teachers providing instruction in a virtual expulsion program.

Education Code Sec. 37.009. CONFERENCE; HEARING; REVIEW.

(a) Not later than the third class day after the day on which a student is removed from class by the teacher under Section 37.002 (b) or (d) or by the school principal or other appropriate administrator under Section 37.001 (a)(2) or 37.006, the campus behavior coordinator or other appropriate administrator shall schedule a conference among the campus behavior coordinator or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the campus behavior coordinator, after consideration of the factors under Section 37.001 (a)(4), shall order the placement of the student for a period consistent with the student code of conduct. Before ordering the suspension, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the behavior coordinator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action. If school district policy allows a student to appeal to the board of trustees or the board's designee a decision of the campus behavior coordinator or other appropriate administrator, other than an expulsion under Section 37.007, the decision of the board or the board's designee is final and may not be appealed. If the period of the placement is inconsistent with the guidelines included in the student code of conduct under Section 37.001 (a)(5), the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the district determines that the student is a threat to the safety of other students or to district employees.

(a-1) If a disciplinary alternative education program is at capacity at the time a campus behavior coordinator is deciding placement under Subsection (a) for a student who engaged in conduct described under Section 37.006 (a)(2)(C-1), (C-2), (D), or (E), the student shall be:

(1) placed in in-school suspension; and

(2) if a position becomes available in the program before the expiration of the period of the placement, transferred to the program for the remainder of the period.

(a-2) If a disciplinary alternative education program is at capacity at the time a campus behavior coordinator is deciding placement under Subsection (a) for a student who engaged in conduct described under Section 37.007 that constitutes violent conduct, as defined by commissioner rule, a student who has been placed in the program for conduct described under Section 37.006(a)(2)(C-1), (C-2), (D), or (E):

(1) may be removed from the program and placed in in-school suspension to make a position in the program available for the student who engaged in violent conduct; and

(2) if removed from the program under Subdivision (1) and a position in the program becomes available before the expiration of the period of the placement, shall be returned to the program for the remainder of the period.

(b) If a student's placement in a disciplinary alternative education program is to extend beyond 60 days or the end of the next grading period, whichever is earlier, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the board of trustees of the school district or the board's designee, as provided by policy of the board of trustees of the district. Any decision of the board or the board's designee under this subsection is final and may not be appealed.

(c) Before it may place a student in a disciplinary alternative education program for a period that extends beyond the end of the school year, the board or the board's designee must determine that:

(1) the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or

(2) the student has engaged in serious or persistent misbehavior that violates the district's student code of conduct.

(d) The board or the board's designee shall set a term for a student's placement in a disciplinary alternative education program. If the period of the placement is inconsistent with the guidelines included in the student code of conduct under Section 37.001 (a)(5), the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees; or

(2) extended placement is in the best interest of the student.

(e) A student placed in a disciplinary alternative education program shall be provided a review of the student's status, including a review of the student's academic status, by the board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required under this subsection to provide a course in the district's disciplinary alternative education program except as required by Section 37.008 (l). At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent.

(f) Before a student may be expelled under Section 37.007, the board or the board's designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district. If the school district makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. Before ordering the expulsion of a student, the board of trustees must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the board concerns a mandatory or discretionary action. If the decision to expel a student is made by the board's designee, the decision may be appealed to the board. The decision of the board may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located.

(f-1) The board or the board's designee may order the placement of a student expelled under Section

37.007 in an alternative education program as provided by Section 37.0083.

(g) The board or the board's designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a disciplinary alternative education program under Section 37.001, 37.002, or 37.006 or expelling the student under Section 37.007.

(h) If the period of an expulsion is inconsistent with the guidelines included in the student code of conduct under Section 37.001 (a)(5), the order must give notice of the inconsistency. The period of an expulsion may not exceed one year unless, after a review, the district determines that:

(1) the student is a threat to the safety of other students or to district employees; or

(2) extended placement is in the best interest of the student. After a school district notifies the parents or guardians of a student that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion.

(i) If a student withdraws from the district before an order for placement in a disciplinary alternative education program or expulsion is entered under this section, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time except for any period of the placement or expulsion that has been served by the student on enrollment in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order.

(j) If, during the term of a placement or expulsion ordered under this section, a student engages in additional conduct for which placement in a disciplinary alternative education program or expulsion is required or permitted, additional proceedings may be conducted under this section regarding that conduct and the principal or board, as appropriate, may enter an additional order as a result of those proceedings.

Education Code Sec. 37.011. JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM.

(b) If a student admitted into the public schools of a school district under Section 25.001 (b) is expelled from school for conduct for which expulsion is required under Section 37.007 (a)[~~, (d),~~] or (e), or for conduct that contains the elements of the offense of terroristic threat as described by Section 22.07 (c-1), (d), or (e), Penal Code, the juvenile court, the juvenile board, or the juvenile board's designee, as appropriate, shall:

(1) if the student is placed on probation under Section 54.04, Family Code, order the student to attend the juvenile justice alternative education program in the county in which the student resides from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility;

(2) if the student is placed on deferred prosecution under Section 53.03, Family Code, by the court, prosecutor, or probation department, require the student to immediately attend the juvenile justice alternative education program in the county in which the student resides for a period not to exceed six months as a condition of the deferred prosecution;

(3) in determining the conditions of the deferred prosecution or court-ordered probation, consider the length of the school district's expulsion order for the student; and

(4) provide timely educational services to the student in the juvenile justice alternative education program in the county in which the student resides, regardless of the student's age or whether the juvenile court has jurisdiction over the student.

(h) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level. For purposes of accountability under Chapters 39 and 39A, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Annually the Texas Juvenile Justice Department, with the agreement of the commissioner, shall develop and implement a system of accountabil-

ity consistent with Chapters 39 and 39A, where appropriate, to assure that students make progress toward grade level while attending a juvenile justice alternative education program. The department shall adopt rules for the distribution of funds appropriated under this section to juvenile boards in counties required to establish juvenile justice alternative education programs. Except as determined by the commissioner, a student served by a juvenile justice alternative education program on the basis of an expulsion required under Section 37.007 (a)[~~, (d),~~] or (e) is not eligible for Foundation School Program funding under Chapter 31 or 48 if the juvenile justice alternative education program receives funding from the department under this subchapter.

(k) Each school district in a county with a population greater than 125,000 and the county juvenile board shall annually enter into a joint memorandum of understanding that:

(1) outlines the responsibilities of the juvenile board concerning the establishment and operation of a juvenile justice alternative education program under this section;

(2) defines the amount and conditions on payments from the school district to the juvenile board for students of the school district served in the juvenile justice alternative education program whose placement was not made on the basis of an expulsion required under Section 37.007 (a)[~~, (d),~~] or (e);

(3) establishes that a student may be placed in the juvenile justice alternative education program if the student engages in serious misbehavior, as defined by Section 37.007 (c);

(4) identifies and requires a timely placement and specifies a term of placement for expelled students for whom the school district has received a notice under Section 52.041 (d), Family Code;

(5) establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the juvenile justice alternative education program;

(6) establishes a plan that provides transportation services for students placed in the juvenile justice alternative education program;

(7) establishes the circumstances and conditions under which a juvenile may be allowed to remain in the juvenile justice alternative education program setting once the juvenile is no longer under juvenile court jurisdiction; and

(8) establishes a plan to address special education services required by law.

Education Code Sec. 37.015. REPORTS TO LOCAL LAW ENFORCEMENT; LIABILITY.

(a) The principal of a public or private primary or secondary school, or a person designated by the principal under Subsection (d), shall notify any school district police department and the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, whether or not the activity is investigated by school security officers:

(1) conduct that may constitute an offense listed under Section 508.149, Government Code;

(2) deadly conduct under Section 22.05, Penal Code;

(3) a terroristic threat under Section 22.07, Penal Code;

(4) the use, sale, or possession of a controlled substance, drug paraphernalia, or marihuana under Chapter 481, Health and Safety Code;

(5) the possession of any of the weapons or devices listed under Sections 46.01 (1)-(14) or Section 46.01 (16), Penal Code;

(6) conduct that may constitute a criminal offense under Section 71.02, Penal Code; or

(7) conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007(a)[~~, (d),~~] or (e).

Education Code Sec. 37.019. EMERGENCY PLACEMENT OR EXPULSION.

(a) This subchapter does not prevent the principal or the principal's designee from ordering the

immediate placement of a student in a disciplinary alternative education program if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.

(b) This subchapter does not prevent the principal or the principal's designee from ordering the immediate expulsion of a student if the principal or the principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm.

(b-1) The principal or principal's designee may order the emergency placement or expulsion of a student under this section based on a single incident of behavior by the student.

(c) At the time of an emergency placement or expulsion, the student shall be given oral notice of the reason for the action. The reason must be a reason for which placement in a disciplinary alternative education program or expulsion may be made on a nonemergency basis. Within a reasonable time after the emergency placement or expulsion, but not later than the 10th day after the date of the placement or expulsion, the student shall be accorded the appropriate due process as required under Section 37.009. If the student subject to the emergency placement or expulsion is a student with disabilities who receives special education services, the emergency placement or expulsion is subject to federal law and regulations and must be consistent with the consequences that would apply under this subchapter to a student without a disability.

(d) A principal or principal's designee is not liable in civil damages for an emergency placement under this section.

Education Code Sec. 37.028. PENALTIES FOR IMPOSITION OF DISCIPLINARY MEASURES PROHIBITED.

(a) The agency may not withhold any state funding or impose a penalty on a school district based on the number of students in the district that have been removed from a classroom, placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program or a juvenile justice alternative education program, or expelled.

(b) This section may not be construed to limit the agency from taking any action to enforce requirements under federal law related to a determination of significant disproportionality based on the race and ethnicity of students with disabilities.

Education Code Sec. 37.115. THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL PROGRAM AND TEAM.

(d) The superintendent of the district shall ensure, to the greatest extent practicable, that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a school district, provided that:

(1) each district campus is assigned a team; and

(2) in serving a particular campus, the team includes the person designated to serve as the campus behavior coordinator under Section 37.0012 for that campus.

(d-1) Notwithstanding Subsection (d), if a student in a special education program under Subchapter A, Chapter 29, is the subject of a threat assessment under Subsection (f), the team conducting the assessment must include a person who has knowledge of student disabilities and how student disabilities manifest and may include:

(1) an educational diagnostician;

(2) a behavior specialist;

(3) a special education teacher assigned to the student;

(4) a licensed behavior analyst;

(5) a licensed clinical or licensed master social worker; or

(6) a licensed specialist in school psychology.

Education Code Sec. 12.111. CONTENT.

(a) Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;

(2) provide that continuation of the charter is contingent on the status of the charter as determined under Section 12.1141 or 12.115 or under Chapter 39A;

(3) specify the academic, operational, and financial performance expectations by which a school operating under the charter will be evaluated, which must include applicable elements of the performance frameworks adopted under Section 12.1181;

(4) specify:

(A) any basis, in addition to a basis specified by this subchapter or Chapter 39A, on which the charter may be revoked, renewal of the charter may be denied, or the charter may be allowed to expire; and

(B) the standards for evaluation of a school operating under the charter for purposes of charter renewal, denial of renewal, expiration, revocation, or other intervention in accordance with Section 12.1141 or 12.115 or Chapter 39A, as applicable;

(5) prohibit discrimination in admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend in accordance with this code, although the charter may:

(A) provide for the exclusion of a student who:

(i) has engaged in conduct outlined in Section 37.006 related to placement in a disciplinary alternative education program or a juvenile justice alternative education program;

(ii) has engaged in conduct outlined in Section 37.007 related to expulsion; or

(iii) has been convicted of a criminal offense or has a juvenile court adjudication [~~has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37~~]; and

(B) provide for an admission policy that requires a student to demonstrate artistic ability if the school specializes in performing arts;

(6) specify the grade levels to be offered;

(7) describe the governing structure of the program, including:

(A) the officer positions designated;

(B) the manner in which officers are selected and removed from office;

(C) the manner in which members of the governing body of the school are selected and removed from office;

(D) the manner in which vacancies on that governing body are filled;

(E) the term for which members of that governing body serve; and

(F) whether the terms are to be staggered;

(8) specify the powers or duties of the governing body of the school that the governing body may delegate to an officer;

(9) specify the manner in which the school will distribute to parents information related to the qualifications of each professional employee of the program, including any professional or educational degree held by each employee, a statement of any certification under Subchapter B, Chapter 21, held by each employee, and any relevant experience of each employee;

(10) describe the process by which the person providing the program will adopt an annual budget;

(11) describe the manner in which an annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the person providing the program will provide information necessary for the school district in which the program is located to participate, as required by this code or by commissioner rule, in the Public Education Information Management System (PEIMS);

(12) describe the facilities to be used;

(13) describe the geographical area served by the program;

(14) specify any type of enrollment criteria to be used;

(15) provide information, as determined by the commissioner, relating to any management company that will provide management services to a school operating under the charter; and

(16) specify that the governing body of an open-enrollment charter school accepts and may not delegate ultimate responsibility for the school, including the school's academic performance and financial and operational viability, and is responsible for overseeing any management company providing management services for the school and for holding the management company accountable for the school's performance.

(a-1) Notwithstanding Subsection (a)(5), a charter granted under this subchapter may provide for the exclusion of a student from an open-enrollment charter school campus that includes a child-care facility based on the student's conviction for a criminal offense that would preclude the student from being admitted to a school district campus that includes a child-care facility.

Education Code Sec. 12A.004. LIMITATION OF PERMISSIBLE EXEMPTIONS.

(a) A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:

(1) a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;

(2) Subchapters A, C, D, and E, Chapter 11, except that a district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;

(3) state curriculum and graduation requirements adopted under Chapter 28;

(4) Chapter 37; and

(5) [~~(4)~~] academic and financial accountability and sanctions under Chapters 39 and 39A.

Education Code Sec. 22.05121. IMMUNITY FROM DISCIPLINARY PROCEEDINGS RELATED TO DISCIPLINE AND LAW AND ORDER.

(a) In this section, "disciplinary proceeding" means:

(1) an action brought by the school district employing a professional employee of a school district to discharge or suspend the employee or terminate or not renew the employee's term contract; or

(2) an action or proceeding brought by the State Board for Educator Certification.

(b) A professional employee of a school district may not be subject to disciplinary proceedings for:

(1) the reporting of a violation of Chapter 37 to another professional employee of a school district, the agency, or a law enforcement agency; or

(2) an action taken in good faith to remove a student from class under Section 37.002.

(c) The immunity provided by Subsection (b) is in addition to any other immunity provided by law. This section may not be construed to interfere with any other immunity provided by law.

Education Code Sec. 29.041. DEFINITIONS.

(3) "Supplemental special education services" means an additive service that provides an educational benefit to a student receiving special education services under Subchapter A, including:

(A) occupational therapy, physical therapy, and speech therapy; [~~and~~]

(B) private tutoring and other supplemental private instruction or programs; and

(C) crisis prevention and intervention training for the student's parent or person standing in parental relation to the student.

Commentary by: Kaci Sohrt
Source: HB 6
Effective Date: June 20, 2025
Applicability: Applies beginning with the 2025-2026 school year.

Summary of Changes

This is a substantial revision to laws allowing for the removal of a student from the classroom or the school as well as other changes. Because of the complexity of this law, headers are used within to assist with reading.

Mandatory and Discretionary - History

Before reviewing the law changes, it is important to note that the terms "shall" and "may" in Chapter 37, Education Code, commonly referred to as creating "mandatory" or "discretionary" actions, do not have their common meanings in this law. Under the Safe School Act's zero tolerance provisions, there was a time "shall" and "may" meant just that; the conduct listed with an action that a school "shall" take had to result in the specific type of removal whereas those listed as "may" gave the school discretion. That changed in the law over time, as legislators sought to give schools some discretion when making removal decisions.

In 2003, HB 1314 modified 37.001 (a) to require the student code of conduct to specify whether self-defense was considered when making a decision to order suspension, removal to a DAEP, or expulsion. In 2005, via HB 603, this was expanded to require the code of conduct to also specify whether consideration is given to: 1) the intent or lack of intent at the time the student engaged in the conduct; 2) the student's disciplinary history; and 3) whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct. In 2009, HB 171 changed the law so that the code of conduct had to specify that those four factors *would be* taken into account rather than just *whether* they would be.

In 2015, SB 107 was passed. The author's statement of intent squarely addresses the zero tolerance policies and states that the bill "changes mandatory removal to discretionary removal." Although it is apparent this had happened in the law six years earlier, it had not yet happened in practice. As filed, SB 107 changed the terms "shall" to "may" and eliminated distinctions in the conduct. When concerns were raised that this change would also eliminate the distinction between who was responsible for payment for placement in a JJAEP - the state or the school district - the bill was modified to leave "shall" and "may" language intact and instead to add language in 37.009 (a) and (f) to make it clear that the behavior coordinator was required to take into account the four factors from 37.001 when making their decision on which action to take. The language further clarified that this was required "regardless of whether the decision…concerns a mandatory or discretionary action."

Despite the changes, there continued to be a narrative that there are "mandatory" and "discretionary" actions and that schools have no ability not to impose a "mandatory" action. In an attempt to address this narrative by directing the reader's attention to the requirement in 37.009, HB 114 in 2023 added language to both 37.006 and 37.007 to clarify that removals to either JJAEP or DAEP were subject to the requirements in 37.009 (a). Even so, there continues to be a narrative that there is no discretion for decision-making in certain instances.

Additionally, 37.001 (a) was amended in 2019 via HB 811 to require that the student code of conduct specify that, in addition to the previously described four factors, a student's status in the conservatorship of DFPS or a student's status as homeless must be considered as a factor in making the disciplinary suspension or removal decision. Although this was not simultaneously added to 37.009, it should be taken into account in accordance with 37.001.

This background is provided so that practitioners are aware of the history establishing that the legislature has long intended that there be discretion in addressing each student's behavior. For nearly 20 years, the legislature has made clear that, in this particular chapter, "shall" does not actually mean "shall." Whether a disciplinary action is "mandatory" or "discretionary" under the law may have an impact on who is responsible for the payment; however, there is discretion to make the appropriate action for each student and circumstance.

One way to think about the structure of the law is that nothing is actually "mandatory." Rather, the conduct in question is subject to the disciplinary

action that is specified for it in statute but is also subject to any lesser disciplinary action or, if warranted, no disciplinary action. The decision is meant to be made on a case-by-case basis so that schools have discretion for each student. This approach will also limit consternation concerning the fact that this bill has created multiple instances in which the same conduct falls under two or more potential disciplinary actions in ways that cannot be reconciled.

"Mandatory" Expulsion

Current law provides for a student's "mandatory" expulsion for particular conduct if that conduct occurs on school property or while attending a school-sponsored or school-related activity on or off of school property. HB 6 changes this so that there is no longer a requirement that the conduct occur on or near school property or even that it be related to a school activity to result in "mandatory" expulsion, the most serious possible consequence. Additionally, conduct that is eligible for "mandatory" expulsion is expanded.

Therefore, if a determination is made by the school that there are reasonable grounds to believe the student engaged in this conduct, no matter where it occurred, the law now makes that conduct eligible for expulsion. There is no requirement that there be an adjudication or conviction or even a custody event or charge. Because it is "mandatory" expulsion, the state pays for the placement in JJAEP. Because there is no location requirement, it appears this would allow for expulsion for conduct occurring even when school is out. It is unclear how that process would work, given the required hearing in Section 37.009.

The conduct that allows for "mandatory" expulsion (JJAEP placement paid by the state) under current law and that remains under this law is conduct that contains the elements of:

1) unlawfully carrying a weapon under 46.02;

2) prohibited weapons under 46.05;

3) aggravated assault;

4) sexual assault;

5) aggravated sexual assault;

6) arson;

7) murder (or attempted);

8) capital murder (or attempted);

9) indecency with a child;

10) aggravated kidnapping;

11) aggravated robbery;

12) manslaughter;

13) criminally negligent homicide;

14) continuous sexual abuse of young child or individual with a disability; and

15) selling, giving, or delivering to another person or possessing a dangerous drug or controlled substance, excluding marijuana or THC, if the conduct is punishable as a felony [37.007 (a)].

Newly added conduct that is eligible for "mandatory" expulsion regardless of where the conduct occurs is conduct including the elements of:

1) kidnapping;

2) burglary;

3) robbery;

4) assault causing bodily injury to a school district employee or volunteer; and

5) exhibiting, using, or threatening to exhibit or use a firearm under Section 37.125, Education Code [37.007 (a)].

Left unchanged is the provision that a student "shall be" expelled for at least one year for bringing a firearm to school, except that the superintendent or other chief administrative officer may modify the length in the case of an individual student and the district shall provide education services to the student in a DAEP if younger than 10 and may provide services in a DAEP if 10 or older [37.007 (e)].

"Discretionary" Expulsion

"Discretionary" expulsion that results in JJAEP placement is paid by the school district. "Discretionary" expulsion for conduct involving a public school and containing the elements of the offenses of false alarm or report or of terroristic threat, regardless of where the conduct occurs, remains unchanged from current law [37.007 (b)(1)]. This also remains eligible for "mandatory" DAEP placement [37.006 (a)(1)].

Also unchanged is "discretionary" expulsion for conduct involving the elements of breach of computer security if it involves accessing a computer, computer network, or computer system owned by

or operated on behalf of a school district and the student knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system [37.001 (b)(4)]. If the conduct is a felony, it also falls under "mandatory" DAEP if it occurs on or within 300 feet of school property or while attending a school-sponsored or school-related activity and "discretionary DAEP" if it occurs in a different location and the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. [37.006 (a)(2) and (d)].

"Discretionary" expulsion for engaging in conduct that contains the elements of felony criminal mischief remains unchanged, as does the requirement that mandates referral to juvenile court for such conduct, regardless of whether the student is expelled. The statute contains no location parameters for this conduct and never has. There also is no parallel requirement for arrest of an adult student under this provision [37.007 (f)].

"Discretionary" expulsion for engaging in serious misbehavior while in a DAEP is unchanged. Serious misbehavior is defined to mean:

1) deliberate violent behavior that poses a direct threat to the health or safety of others;

2) extortion, meaning the gaining of money or other property by force or threat;

3) coercion;

4) public lewdness;

5) indecent exposure;

6) criminal mischief;

7) personal hazing; or

8) harassment of a student or district employee under 42.07(a)(1) [37.007 (c)].

Some conduct eligible for "discretionary" expulsion if occurring on or within 300 feet of school property or while attending a school-sponsored or school-related activity was removed to account for it being moved to the "mandatory" expulsion list. What is now covered as eligible for "discretionary" expulsion if occurring on or within 300 feet of school property or while attending a school-sponsored or school-related activity is:

1) using or being under the influence of or non-felony level selling, giving, or delivering to another person or possessing a dangerous drug or controlled substance, excluding marijuana;

2) selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana;

3) selling, giving, or delivering to another person or possessing, using, or being under the influence of an alcoholic beverage;

4) engaging in conduct that contains the elements of an offense related to an abusable volatile chemical; and

5) deadly conduct [37.007 (b)(2)].

Also remaining is possession of a firearm while within 300 feet of school property [37.007 (b)(3)]. This provision does not include school-related or school-sponsored activities that are not within 300 feet of school property.

"Mandatory" DAEP Placement

There are fewer changes to "mandatory" DAEP placement. As noted above, "mandatory" DAEP placement continues to apply to conduct involving a public school that contains the elements of the offenses of false alarm or report or of terroristic threat, regardless of where the conduct occurs [37.006 (a)(1)]. It also continues to apply to retaliation against a school employee or volunteer, regardless of where it occurs; harassment under 42.07 has been added, as well [37.006(b)].

The following conduct that occurs on or within 300 feet of school property or at a school-sponsored or school-related event is eligible for "mandatory" DAEP placement:

1) a felony other than one covered as "mandatory" expulsion;

2) assault causing bodily injury;

3) public lewdness;

4) indecent exposure; and

5) harassment of an employee of the school district under 42.07 (a)(1)-(3), or (7)

6) using or being under the influence of or non-felony level selling, giving, or delivering to another person or possessing a dangerous drug or controlled substance, excluding marijuana or THC;

7) selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or THC;

8) selling, giving, or delivering to another person or possessing, using, or being under the influence of an alcoholic beverage or committing a serious act or offense while under the influence of alcohol;

9) selling, giving, or delivering to another person an e-cigarette; or

10) engaging in conduct that contains the elements of an offense related to an abusable volatile chemical [37.006 (a)(2)].

"Mandatory" DAEP placement continues to apply to Title 5 felonies and aggravated robbery if a student receives deferred prosecution, is adjudicated in juvenile court, or the superintendent or designee has a reasonable belief that the student engaged in the conduct and it occurred off campus and not at a school-sponsored or related activity. There is no recognition in the statute that this conflicts with "mandatory" expulsion for this same conduct or that the adult student's court outcome is not addressed.

Added to this list is deadly conduct, disorderly conduct involving a firearm, and unlawfully carrying weapons under Section 46.02, other than an offense classified as a Class C misdemeanor under that section. There is a conflict with this exception and "mandatory" expulsion provisions in 37.007, that is discussed below. It is also likely that deadly conduct and disorderly conduct involving a firearm overlap with "mandatory" expulsion for unlawfully carrying a weapon [37.006 (c)].

Weapons Issues

The Section 46.02 Class C misdemeanor exception refers to the offense in which a person younger than 18 carries a location-restricted knife on or about their person when not on their own premises, inside of or directly en route to a motor vehicle or watercraft owned by the person or under the person's control, or under the direct supervision of a parent or legal guardian. An offense that involves carrying a location-restricted knife must be analyzed under three separate provisions of school discipline, although they do not all apply to all students.

Regardless of age, a student who possesses a location-restricted knife on school premises while a school-related activity is occurring is subject to charges under Section 46.03 (Places Weapons Prohibited), a third degree felony. Because this section is not included in Chapter 37, Education Code, it falls under "mandatory" DAEP for a felony that is not listed for "mandatory" expulsion.

A student who is under 18 is also subject to charges under 46.02, which is a class C misdemeanor, if the student possesses a location-restricted knife on or within 300 feet of school property or at a school-sponsored or school-related activity and not in their own vehicle or a vehicle they are operating or while under supervision of their parents. Under that set of facts, the conduct would not be subject to "mandatory" DAEP because it is a Class C misdemeanor. However, because Section 37.007 includes all offenses under 46.02 regardless of location and offense level, it falls under "mandatory" expulsion for the student who is under 18.

The issue of disparity between a student who is 18 and a student who is under 18 has existed since the law change in 2017 (HB 1935) that created the "location-restricted knife." This was created when the legislature generally legalized carrying weapons with a blade over 5 ½ inches. Prior to 2017, it was generally illegal to have such a weapon on or about your person in public. Therefore, it used to be that all students were covered under the reference to 46.02 in Section 37.007(a) for "mandatory" expulsion.

A similar, though slightly different, issue exists with regard to guns. Once again, the fact that 46.03 is not included in Chapter 37 is an issue. This means that if a student has a gun somewhere that would be illegal under 46.03 but not under 46.02, such as in a vehicle under the student's control on school premises but not in plain view, the conduct would not be covered under "mandatory" expulsion tied to 46.02 but could be covered under "mandatory" DAEP because it is a felony. It may also be covered as "mandatory" expulsion under the special provision regarding bringing a gun to school under 37.007 (e) or "discretionary" expulsion if bringing the gun within 300 feet of the school property under 37.007 (b)(3). Note that, unlike most "discretionary" expulsion conduct, this is not included as a "mandatory" DAEP. Additionally, having the gun at a school-sponsored or school-related activity is not covered under either for those two provisions.

A separate issue exists in the fact that violations of 46.02 at school, other than the Class C misdemeanor exception, are covered under both "mandatory" expulsion and "mandatory" DAEP.

Another concern with guns is that prosecutors typically charge the felony under 46.03, which makes sense as that is the more serious charge. However, because it is not covered in Chapter 37, there frequently are questions about how to address it. That will depend on the facts. However, it bears noting that in most cases, Chapter 37 actions are guided by conduct including elements of particular offenses, not a charge for a particular offense. Therefore, depending on the facts, the conduct may still include "the elements of" a violation under 46.02; if that is the case, it would fall under "mandatory" expulsion for the listed offenses.

In short, weapons offenses fall as follows:

1) **Gun-Related:**

a) conduct meets elements of unlawfully carrying a weapon (46.02) and occurs at school: is explicitly covered under "mandatory" DAEP, although the school locations are also a subset of the "everywhere" locations in "mandatory" expulsion;

b) conduct meets elements of unlawfully carrying a weapon (46.02) and does not occur at school: is covered under "mandatory" expulsion;

c) conduct meets 37.007 (e) elements for having a gun at school but not 46.02 elements: is covered under "mandatory" expulsion;

d) conduct meets 37.007 (b)(3) elements of having a gun within 300 feet of school property but does not meet 46.02 elements: is covered under "discretionary" expulsion;

e) conduct meets places weapons prohibited elements (46.03) for having a gun at school but not 46.02 or 37.007 (e) or 37.007 (b)(3) elements: is covered under "mandatory" DAEP.

2) **Location-restricted knife-related:**

a) conduct meets places weapons prohibited elements (46.03) for having at school (all ages*) - "mandatory" DAEP;

b) conduct meets unlawfully carrying a weapon elements (46.02) for a person under 18 that occurs at school: expressly exempt from "mandatory" DAEP if a class C misdemeanor;

c) conduct meets unlawfully carrying a weapon by a person under 18, no matter where it occurs: "mandatory" expulsion.

"Discretionary" DAEP Placement

"Discretionary" DAEP placement continues to include conduct occurring off-campus and while the student is not in attendance at a school-sponsored or school-related activity if the superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than aggravated robbery or Title 5 offenses and the continued presence of the student in the regular classroom threatens the safety of other students or teacher or will be detrimental to the educational process. There is no recognition in statute that this conflicts with the fact that these offenses are now covered as "mandatory" expulsion offenses under 37.007. [37.006 (d)(2)].

New conduct added to "discretionary" DAEP placement is:

1) engaging in conduct that contains the elements of disruptive activities under 37.123;

2) conduct that contains the elements of disruption of classes if the conduct is intentional and repeated and the person was 12 years of age or older when the conduct occurred; and

3) possessing or using an e-cigarette, except that if the student is not placed in a DAEP for the first-time offense under Section 37.008, the student shall be placed in in-school suspension for at least 10 days.

There is no reference to the e-cigarette conduct needing to occur at or near school or at a school-sponsored or school-related activity, which may be an issue. [37.006 (d)].

Drug- and Alcohol-Related Conduct

Although the different options for drugs, alcohol, and e-cigarettes have been addressed above, it is also useful to discuss them together here. Last session (2023), due to the influx in vaping cases resulting in expulsions, the law was changed to remove marijuana and THC from "mandatory"

expulsion. It was instead added to "discretionary" expulsion and "mandatory" DAEP. Also added was "e-cigarettes," which by definition are the devices used to vape THC, synthetic substances, and nicotine. The rationale was that including the device would eliminate the need for schools to undergo the time and expense of testing the vape product to establish that it was actually THC or a synthetic substance.

The 2023 change in law drastically reduced the numbers of students in the JJAEPs. However, DAEPs filled up. This bill keeps selling, giving, or delivering an e-cigarette to another person at the "mandatory" DAEP placement level but moves possessing or using an e-cigarette to "discretionary" DAEP placement level. It also requires the student code of conduct to expressly provide that an appropriate administrator may place a student in a DAEP for the first-time offense of possession or use of a nicotine delivery product or e-cigarette and that, if they do not do so, the student "shall" be placed in in-school-suspension for at least 10 days [37.001 (a)].

As the law now stands for drug and alcohol-related conduct, the following applies:

1) felony-level conduct involving selling, giving, or delivering to another person or possessing a dangerous drug or a controlled substance, excluding marijuana or THC, regardless of where the conduct occurred falls "mandatory" expulsion [37.007 (a)(3)];

2) using or being under the influence of or non-felony level selling, giving, or delivering to another person or possessing a dangerous drug or controlled substance, excluding marijuana or THC, while on or within 300 feet of school property or at a school-sponsored or school-related activity falls under both "discretionary" expulsion and "mandatory" DAEP placement [37.007 (b)(2) and 37.006 (a)(2)];

3) selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or THC while on or within 300 feet of school property or at a school-sponsored or school-related activity falls under "discretionary expulsion" and "mandatory" DAEP placement [37.007 (b)(2) and 37.006 (a)(2)];

4) selling, giving, or delivering to another person or possessing, using, or being under the influence of an alcoholic beverage falls under "discretionary" expulsion while selling, giving, or delivering to another person or possessing, using, or being under the influence of an alcoholic beverage *or committing a serious act or offense while under the influence of alcohol* while on or within 300 feet of school property or at a school-sponsored or school-related activity falls under "mandatory" DAEP placement [37.007 (b)(2) and 37.006 (a)(2)];

5) engaging in conduct that contains the elements of an offense related to an abusable volatile chemical while on or within 300 feet of school property or at a school-sponsored or school-related activity falls under both "discretionary" expulsion and "mandatory" DAEP placement [37.007 (b)(2) and 37.006 (a)(2)];

6) selling, giving, or delivering to another person an e-cigarette while on or within 300 feet of school property or at a school-sponsored or school-related activity falls under "mandatory" DAEP placement [37.006 (a)(2)]; and

7) possessing or using an e-cigarette falls under "discretionary" DAEP placement except that if the student is not placed in a DAEP for a first-offense, the student must be placed in in-school-suspension for at least 10 days [37.006 (d)(1)].

Under current law, Section 37.001 requires the student code of conduct to specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a DAEP. This law change now provides that the provision must expressly provide that an appropriate administrator may place a student in a DAEP for the first-time offense of possession or use of a nicotine delivery product or e-cigarette [37.001 (a)(2)].

Expulsion for Certain Charges

Section 37.0081, which allows for expulsion based on certain court actions remains unchanged. That provision applies to Title 5 felonies and aggravated robbery and allows for expulsion and placement in a JJAEP (or DAEP if the county does not have a JJAEP) if any of the following have occurred to the student with regard to that conduct:

1) received deferred prosecution for;

2) been adjudicated for;

3) been charged in juvenile court with;

4) been referred to juvenile court for;

5) received probation or deferred adjudication in adult court for;

6) been convicted of;

7) been arrested for;

8) or been charged in adult court with.

In addition, the school board or designee must determine the student's presence in the regular classroom threatens the safety of other students, will be detrimental to the educational process, or is not in the best interests of the district's students.

Placement under this section is until the student graduates from high school, the charges are dismissed or reduced to a misdemeanor, or the student completes the term of the placement or is assigned to another program. The costs for expulsion under this provision are borne by the school district.

It is clear this provision conflicts with Section 37.007, which includes all of this conduct as "mandatory" expulsion conduct without even requiring there be a charge. Section 37.0081 provides that if there is a conflict between Section 37.0081 and 37.007, Section 37.007 prevails.

Virtual Expulsion Program

Newly created Section 37.0083 allows for a principal or administrator to place a student who has been expelled under Section 37.007 or 37.0081 in a virtual expulsion program established by the school district, but only if:

1) the school district is in a county that operates a JJAEP or the school district contracts with the juvenile board of another county for a JJAEP and the JJAEP rejects admission of the student or returns the student before the expiration of the discipline assignment; or

2) the school district is located in a county that does not operate a JJAEP and does not contract with another county for a JJAEP.

If this option is used, the school district is responsible for ensuring the student has suitable computer equipment and Internet access and to provide such if necessary. The district must ensure, to the extent practicable, that the virtual expulsion program complies with the 37.008 DAEP requirements.

The student's placement is reviewed at least once every 45 school days after the placement begins to determine if it should be continued. The review must consider whether there is an in-person position available for the student and, if so, shall plan for the transition as soon as practicable if such is appropriate. The student is counted in the district's average daily attendance if attendance can be confirmed. A teacher cannot be required to provide both in-person and virtual instruction at the same time and must complete a professional development course on virtual instruction before providing instruction.

Section 37.009 also includes language allowing for a student expelled under Section 37.007 to be placed in a virtual expulsion program.

Emergency Placement or Expulsion

Section 37.019 allows for the immediate placement of a student in a DAEP if the principal or designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the class, the ability of the class to learn, or with the operation of school or a school-sponsored activity. It also allows for the immediate expulsion of a student if reasonably believed to be necessary to protect persons or property from imminent harm. That remains unchanged. However, language is added to specify that the emergency placement or expulsion may be based on a single incident of behavior.

Removal from Class

Teachers have long been authorized to remove students from class based on behavior. Under current law, a teacher may remove a student who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the class or with the ability of the class to learn or whose behavior the teacher has determined is so unruly, disruptive, or abusive that it interferes with the teacher's ability to communicate effectively with the class or with the ability of the class to learn.

The law has been modified to eliminate the requirement that the repeated interference be documented and to remove the requirement that the unruly, disruptive, or abuse behavior interfere

with the teacher's ability to communicate effectively with the class or with the ability of the class to learn. Engaging in conduct that constitutes bullying as defined by Section 37.0832 is added as a ground for classroom removal [37.002 (a)].

The law now explicitly states that removal can be based on a single incident of behavior [37.002 (b-3)]. This is subject to Sections 28.0022 (a)(2) and (d), which provide that a teacher who chooses to discuss a widely debated and currently controversial issue of public policy or social affairs must explore the topic objectively and in a manner free from political bias and that a school district may not implement, interpret, or enforce any rule in a manner that results in the punishment of a student for reasonably discussing the concepts described in Section 28.0022 (a)(4) in school or have a chilling effect on reasonable student discussion involving those concepts in school. Subsection (a)(4) including any of the following concepts in a course:

1) one race or sex is inherently superior to another;

2) an individual, by virtue of race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

3) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;

4) an individual's moral character, standing, or worth is necessarily determined by race or sex;

5) an individual, by virtue of race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex;

6) meritocracy or traits like hard work ethic are racist or sexist or created to oppress members of another race;

7) the advent of slavery in the U.S. constituted the true founding of the U.S.; or

8) require an understanding of the 1619 Project.

A teacher, campus behavior coordinator, or other administrator is now required to notify the parent of the removal [37.002 (b-2)].

If a teacher removes a student from class, the principal's options to place the student into another classroom, in-school-suspension, or a DAEP remain. The principal now must have written consent, rather than just consent, from the teacher to return the student to the teacher's class. There is still an exception if a committee established under 37.003 determines the placement is the best or only alternative. However, that exception now also requires that a conference be held under 37.009(a) and the teacher have the opportunity to participate. Even then, the principal may not return the student to the teacher's class unless the teacher provides written consent or a return to class plan has been prepared for the student. The return to class plan may only be prepared by an employee whose primary duties do not include classroom instruction. The return to class plan must be created before the conference and must be discussed at the conference. TEA is required to adopt a model return to class plan. Similar changes are made to the section that requires a teacher to remove a student from class for conduct eligible for expulsion or DAEP placement [37.002 (c) – (d)].

A student is now authorized to appeal the student's removal from class to the placement review committee under Section 37.003 or to the campus's threat assessment and safe and supportive team under 37.115. The student and parent must be notified of the right to appeal at the 37.009 (a) conference [37.002 (f) and (f-1)].

The statute now provides that Section 37.004, which addresses the placement of students with a disability who receive special education services, applies to the removal or placement under 37.002 [37.002 (g)].

Suspension

Section 37.005, which provides for suspension, now distinguishes between in-school suspension and out-of-school suspension. Out-of-school suspension may not exceed three school days. In-school suspension has no time limit. The principal or other administrator must review the in-school suspension at least once every 10 school days to evaluate progress and determine if it should be continued. The decision to continue it must be documented. Students given in-school suspension must be provided appropriate behavioral support services and comparable educational services to what they would receive in the classroom. Students receiving special education services must continue to receive them and re-

lated services identified in the IEP and continue to have the opportunity to progress in the general curriculum.

Current law provides that a student enrolled below third grade may not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity, the student engages in conduct that contains the elements of:

1) an offense related to weapons under 46.02 or 46.05, Penal Code (note the lack of reference to 46.03, which would catch possession of a weapon on school property);

2) that contains the elements of a violent offense under 22.01 (assault), 22.011 (sexual assault), 22.02 (aggravated assault), or 22.021 (aggravated sexual assault); or

3) selling, giving, or delivering to another or possessing, using or being under the influence of marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.

The references to 22.01, 22.011, 22.02, and 22.021 have been removed and replaced with conduct that threatens the immediate health and safety or other students in the classroom and documented conduct that results in repeated or significant disruption to the classroom.

A parent may submit a written request to reassign a student assigned to out-of-school suspension to in-school suspension and the request may be granted if the parent demonstrates that the parent is unable to provide suitable supervision for the student during school hours during the suspension period. There is language that this may be used only in extenuating circumstances and not as a routine replacement of out-of-school suspension.

Students who are homeless may not be placed in out-of-school suspension except for the same reasons which a student under third grade may be suspended.

Parental Involvement in School Disciplinary Placements

Newly created Section 37.0014 allows, but does not require, the school board to adopt a policy for parental involvement in school disciplinary placements. If they choose to adopt such a policy, it must provide for the principal, campus behavior coordinator, or other appropriate administrator to notify the parent of a student who has been placed in a DAEP or expelled of the parent's right to request that a behavioral agreement that specifies the responsibilities of the parent and student be developed. It must also specify that if such agreement is developed and the parent and student comply with the terms, the student's term disciplinary placement will be reduced. The reduction is not to a different disciplinary placement but rather to the length of the placement. It is at the discretion of the school and may be revoked or amended if the student or parent does not comply. The agreement must include the specific reduction in time that will be credited for compliance. The TEA commissioner is required to adopt a model agreement for school districts to use. Section 37.001 now provides that the student code of conduct must include a statement regarding whether the board has adopted a policy for parental involvement in school disciplinary placements under newly enacted 37.0014 and, if it does, must include the provisions of the policy [37.001 (a)(10)].

Threat Assessment and Safe and Supportive School Program and Team

Section 37.115 creates a Threat Assessment and Safe and Supportive School Program and Team in each school district. The law currently allows for a team to serve more than one campus of a school district as long as each campus is assigned a team. This is changed to also require that the team for each campus include the campus behavior coordinator for that campus.

Additionally, a provision is added to address students in special education programs. For such students, the team must include a person with knowledge of student disabilities and how they manifest and may include an educational diagnostician, behavior specialist, special education teacher assigned to the student, a licensed behavior analyst, a licensed clinical or licensed master social worker, or a licensed specialist in school psychology.

Topic: Student Use of Cell Phones

Education Code Sec. 37.082. STUDENT USE [~~POSSESSION~~] OF PERSONAL COMMUNICATION [~~PAGING~~] DEVICES.

(a) Notwithstanding any other law and subject to Subsection (c), the [~~The~~] board of trustees of a school district or the governing body of an open-enrollment charter school shall [~~may~~] adopt, implement, and ensure the district or school complies with a written policy prohibiting a student from using [~~possessing~~] a personal communication [~~paging~~] device while on school property during the school day [~~or while attending a school-sponsored or school-related activity on or off school property~~]. The policy must [~~may~~] establish disciplinary measures to be imposed for violation of the prohibition and may provide for confiscation of the personal communication [~~paging~~] device.

(b) The policy may provide for the school district or open-enrollment charter school to:

(1) comply with this section by:

(A) prohibiting a student from bringing a personal communication device on school property; or

(B) designating a method for the storage of a student's personal communication device while the student is on school property during the school day; and

(2) dispose of a confiscated personal communication [~~paging~~] device in any reasonable manner after having provided the student's parent 90 [~~and the company whose name and address or telephone number appear on the device 30~~] days' prior notice in writing of the district's or school's [~~its~~] intent to dispose of that device. [~~The notice shall include the serial number of the device and may be made by telephone, telegraph, or in writing; and~~

[~~(2) charge the owner of the device or the student's parent an administrative fee not to exceed $15 before it releases the device.~~]

(c) In adopting the policy, the board of trustees of a school district or governing body of an open-enrollment charter school must authorize the use of a personal communication device:

(1) necessary to implement an individualized education program, a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or a similar program or plan;

(2) by a student with a documented need based on a directive from a qualified physician; or

(3) necessary to comply with a health or safety requirement imposed by law or as part of the district's or school's safety protocols.

(d) In this section, "personal communication [~~paging~~] device" means a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, paging device, or any other electronic [~~telecommunications~~] device capable of telecommunication or digital communication [~~that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor~~]. The term does not include an electronic device provided to a student by a school district or open-enrollment charter school [~~an amateur radio under the control of an operator who holds an amateur radio station license issued by the Federal Communications Commission~~].

(e) The agency shall develop and publish on the agency's Internet website model language for the policy required under this section.

(f) This section does not apply to an adult education program operated under a charter granted under Subchapter G, Chapter 12.

Commentary by: Kaci Sohrt

Source: HB 1481

Effective Date: June 20, 2025

Applicability: As soon as practicable, but not later than the 90th day after the effective date of this Act, the board of trustees of a school district or the governing body of an open-enrollment charter school shall adopt the policy required by Section 37.082, Education Code, as amended by this Act.

Summary of Changes

Current law allows school districts to adopt policies prohibiting students from possessing paging devices while on school property. This change in law requires school districts to adopt, implement, and ensure the district and school comply with a written policy prohibiting students from using personal communication devices while on school property during the school day. It requires the

policy to establish disciplinary measures to be imposed for violations.

The policy may either prohibit a student from bringing a personal communication device on school property or may designate a method for storing the device while the student is on school property during the school day. The policy may also allow for disposing of the device in any reasonable manner after providing the parent with 90 days' notice in writing. The ability to charge a fee to release the device to the parent has been removed. The policy must authorize the use of a device necessary to implement an IEP, a 504 plan, or a similar program or plan; by a student with a documented need based on a directive from a qualified medical doctor; or if necessary to comply with a health or safety requirement imposed by law or as part of the district's or school's safety protocols.

A personal communication device means a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital communication. IT does not include an electronic device provided to a student by the district or charter school.

TEA is required to develop and publish model language on its website.

The law does not apply to an adult education program under Subchapter G, Chapter 12.

Topic: Excused Absences - Mental Health Appointments

Education Code Sec. 25.087. EXCUSED ABSENCES.

(b) A school district shall excuse a student from attending school for:

(1) the following purposes, including travel for those purposes:

(A) observing religious holy days;

(B) attending a required court appearance;

(C) appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship;

(D) taking part in a United States naturalization oath ceremony;

(E) serving as an election clerk; or

(F) if the student is in the conservatorship of the Department of Family and Protective Services, participating, as determined and documented by the department, in an activity:

(i) ordered by a court under Chapter 262 or 263, Family Code, provided that it is not practicable to schedule the participation outside of school hours; or

(ii) required under a service plan under Subchapter B, Chapter 263, Family Code;

(2) a temporary absence resulting from an appointment with health care professionals, including mental health professionals, for the student or the student's child if the student commences classes or returns to school on the same day of the appointment; or

(3) an absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible, if the student or the student's parent or guardian provides a certification from a physician licensed to practice medicine in this state specifying the student's illness and the anticipated period of the student's absence relating to the illness or related treatment.

Commentary by: Kaci Sohrt
Source: SB 207
Effective Date: May 30, 2025
Applicability: Applies beginning with the 2025-2026 school year.

Summary of Changes

This change in law provides that appointments with mental health professionals are considered appointments with health care professionals and are excused school absences. Many schools already treat them this way, but this change ensures all schools must do so.

Topic: School Marshals

Education Code Sec. 37.0811. SCHOOL MARSHALS: PUBLIC SCHOOL.

(c) A school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school may carry [~~a concealed handgun~~] or possess a handgun on the physical premises of a school, but only:

(1) in the manner provided by written regulations adopted by the board of trustees or the governing body; and

(2) at a specific school as specified by the board of trustees or governing body, as applicable.

(d) Any written regulations adopted for purposes of Subsection (c) must:

(1) provide that a school marshal may:

(A) carry a concealed handgun on the school marshal's person;

(B) if wearing a uniform identifying the marshal as a school marshal, openly carry a handgun on the school marshal's person; or

(C) possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location; and

(2) [~~. The written regulations must also~~] require that a handgun carried or possessed by a school marshal [~~may~~] be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement.

Education Code Sec. 37.0813. SCHOOL MARSHALS: PRIVATE SCHOOLS.

(c) A school marshal appointed by the governing body of a private school may carry [~~a concealed handgun~~] or possess a handgun on the physical premises of a school, but only in the manner provided by written regulations adopted by the governing body.

(d) Any written regulations adopted for purposes of Subsection (c) must:

(1) provide that a school marshal may:

(A) carry a concealed handgun on the school marshal's person;

(B) if wearing a uniform identifying the marshal as a school marshal, openly carry a handgun on the school marshal's person; or

(C) possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location; and

(2) [~~. The written regulations must also~~] require that a handgun carried or possessed by a school marshal [~~may~~] be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement.

Education Code Sec. 51.220. PUBLIC JUNIOR COLLEGE SCHOOL MARSHALS.

(d) A school marshal appointed by the governing board of a public junior college may carry [~~a concealed handgun~~] or possess a handgun on the physical premises of a public junior college campus, but only:

(1) in the manner provided by written regulations adopted by the governing board; and

(2) at a specific public junior college campus as specified by the governing board.

(e) Any written regulations adopted for purposes of Subsection (d):

(1) must[~~:~~

[~~(A)~~] authorize a school marshal to:

(A) carry a concealed handgun [~~as described by Subsection (d)~~] on the school marshal's person;

(B) if wearing a uniform identifying the marshal as a school marshal, openly carry a handgun on the school marshal's person; or

(C) possess the handgun on the physical premises of a public junior college campus in a locked and secured safe or other locked and secured location; [~~and~~]

(2) must [~~(B)~~] require that a handgun carried or possessed by a school marshal [~~to~~] be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement; and

(3) [~~(2)~~] may not require a school marshal to store the handgun in a locked container while on duty.

Commentary by: Kaci Sohrt
Source: SB 870
Effective Date: May 19, 2025
Applicability: Applies beginning with the 2025-2026 school year.

Summary of Changes

Current law allows school marshals in public schools, private schools, and junior colleges to concealed carry a handgun. This law change allows a school marshal to openly carry a handgun if wearing a uniform identifying the person as a school marshal.

Law Enforcement

Topic: Missing Children

Code of Criminal Procedure Art. 63.00905. LAW ENFORCEMENT REQUIREMENTS FOR REPORT OF MISSING CHILD.

(a) Regardless of the jurisdiction in which the child went missing, a law enforcement agency, on receiving a report of a missing child, shall:

(1) immediately start an investigation in order to determine the present location of the child;

(2) immediately, but not later than two hours after receiving the report, enter the name of the child into the clearinghouse and the national crime information center missing person file if the child meets the center's criteria, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child;

(3) immediately, but not later than two hours after the agency receives the report, enter the applicable information into:

(A) the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by the Department of Public Safety; and

(B) the National Center for Missing and Exploited Children;

(4) not later than 48 hours after receiving the report, electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the child;

(5) not later than the 30th day after the date the agency receives the report, enter the name of the child into the National Missing and Unidentified Persons System, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child; and

(6) inform the person who filed the report of the missing child that the information will be:

(A) entered into the clearinghouse, the national crime information center missing person file, the National Center for Missing and Exploited Children, and the National Missing and Unidentified Persons System; and

(B) submitted to each municipal or county law enforcement agency within 200 miles.

(b) A local law enforcement agency, on receiving a report of a child missing under the circumstances described by Article 63.001(3)(D) for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child. On determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect as defined by Section 261.001, Family Code, the agency:

(1) shall notify the Department of Family and Protective Services; and

(2) may take possession of the child under Subchapter B, Chapter 262, Family Code.

(c) The Department of Family and Protective Services, on receiving notice under Subsection (b), may initiate an investigation into the allegation of abuse or neglect under Section 261.301, Family Code, and take possession of the child under Chapter 262, Family Code.

(d) Information not immediately available when the original entry is made shall be entered into the clearinghouse, the national crime information center file, and the National Missing and Unidentified Persons System as a supplement to the original entry as soon as possible.

(e) If a local law enforcement agency investigating a report of a missing child obtains a warrant for the arrest of a person for taking or retaining the missing child, the local law enforcement agency shall immediately enter the name and other descriptive information of the person into

the national crime information center wanted person file if the person meets the center's criteria. The local law enforcement agency shall also enter all available identifying features, including dental records, fingerprints, and other physical characteristics of the missing child. The information shall be cross-referenced with the information in the national crime information center missing person file.

(f) Immediately after the return of a missing child, the local law enforcement agency having jurisdiction of the investigation shall:

(1) clear the entry in the national crime information center database; and

(2) notify the National Missing and Unidentified Persons System.

(g) On determining the location of a child, other than a child who is subject to the continuing jurisdiction of a district court, an officer shall take possession of the child and shall deliver or arrange for the delivery of the child to a person entitled to possession of the child. If the person entitled to possession of the child is not immediately available, the law enforcement officer shall deliver the child to the Department of Family and Protective Services.

Note: Article 63.00905(a), Code of Criminal Procedure, as added by Chapter 979 (S.B. 2429), Acts of the 88th Legislature, Regular Session, 2023, is repealed as duplicative of Article 63.00905(a), Code of Criminal Procedure, as added by Chapter 729 (H.B. 2660), Acts of the 88th Legislature, Regular Session, 2023.

Commentary by: Kaci Sohrt
Source: HB 908
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

Changes were made last session to ensure missing children are addressed appropriately by law enforcement, no matter which jurisdiction receives the report. This change adds that the law enforcement agency, in addition to the other requirements, must enter the information into the National Center for Missing and Exploited Children within two hours of receiving the report.

Topic: Grant Program for Violent and Sexual Offenses

Government Code Sec. 772.00791. GRANT PROGRAM TO ASSIST LOCAL LAW ENFORCEMENT IN SOLVING VIOLENT AND SEXUAL OFFENSES.

(a) In this section:

(1) "Clearance by arrest" means that, with respect to an offense reported to a law enforcement agency, the agency:

(A) has:

(i) arrested and charged at least one suspect with the commission of the offense; and

(ii) turned the suspect over to the court for prosecution; or

(B) has cited an individual younger than 18 years of age and required the individual to appear in juvenile court or before another juvenile authority with respect to the offense, regardless of whether an arrest occurred.

(2) "Clearance by exception" means that, with respect to an offense reported to a law enforcement agency, the agency:

(A) has confirmed the suspect's identity;

(B) has sufficient evidence for arrest;

(C) knows the suspect's specific location; and

(D) has encountered factors beyond law enforcement control that hinder the arrest, charging, and prosecution of the suspect.

(3) "Clearance rate" means, with respect to an offense or category of offense reported to a law enforcement agency, a fraction:

(A) the numerator of which is the number of offenses cleared by the agency through clearance by arrest and clearance by exception; and

(B) the denominator of which is the total number of offenses reported to the agency.

(4) "Criminal justice division" means the criminal justice division established under Section 772.006.

(5) "Sexual offense" means an offense under any of the following provisions of the Penal Code:

(A) Section 21.11 (indecency with a child);

(B) Section 22.011 (sexual assault); or

(C) Section 22.021 (aggravated sexual assault).

(6) "Violent offense" means an offense under any of the following provisions of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 20.04 (aggravated kidnapping);

(D) Section 22.02(a)(2) (aggravated assault with a deadly weapon); or

(E) Section 29.03 (aggravated robbery).

(b) This section applies only to a law enforcement agency employing one or more peace officers described by Article 2A.001(1) or (3), Code of Criminal Procedure.

(c) The criminal justice division shall establish and administer a grant program through which a law enforcement agency may apply for a grant designed to improve clearance rates for violent and sexual offenses.

(d) The criminal justice division shall establish:

(1) eligibility criteria for grant applications;

(2) grant application procedures;

(3) guidelines relating to grant amounts; and

(4) procedures for evaluating grant applications.

(e) Grant money awarded under this section may be used to pay for:

(1) hiring, training, and retaining personnel to:

(A) investigate violent and sexual offenses;

(B) collect, process, and forensically test evidence; or

(C) analyze violent and sexual offenses, including temporal and geographical trends;

(2) acquiring, upgrading, or replacing technology or equipment related to evidence collection, evidence processing, or forensic testing; and

(3) upgrading record management systems to achieve compliance with the reporting requirements under Subsection (f).

(f) A law enforcement agency that receives a grant awarded under the program annually shall report:

(1) the clearance rate and the percentage of the clearance rate that is clearance by arrest and the percentage that is clearance by exception for:

(A) violent offenses;

(B) sexual offenses; and

(C) each offense listed in Subsection (a)(5) or (6);

(2) the average duration between the date of the offense and the date of clearance for:

(A) violent offenses;

(B) sexual offenses; and

(C) each offense listed in Subsection (a)(5) or (6); and

(3) the percentage of the grant amount used for each authorized use listed in Subsection (e).

(g) The criminal justice division shall periodically evaluate the practices employed by grant recipients to identify policies and procedures that have successfully improved clearance rates for violent and sexual offenses. The division may contract with a third party to conduct an evaluation under this subsection.

(h) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

(i) A governmental entity may not reduce the amount of funds provided to a law enforcement agency because the agency received a grant under this section.

(j) The criminal justice division may use any revenue available for purposes of this section.

Commentary by: Kaci Sohrt
Source: SB 2177
Effective Date: June 20, 2025
Applicability: On or after the effective date

Summary of Changes

The Criminal Justice Division of the Office of the Governor is now required to develop a grant program designed to assist local criminal justice agencies in clearing crimes involving violent conduct or sexual offenses. This applies only to law enforcement agencies who employ one or more peace officers as defined by Article 2A.001 (1) or (3), Code of Criminal Procedure. These are a sheriff, a sheriff's deputy, or a reserve deputy sheriff who holds a permanent peace officer license or a marshal or peace officer of a municipality or a reserve municipal police officer who holds a permanent peace officer license.

Topic: Polygraph Examinations

Government Code Sec. 1701.318. CERTIFICATION REQUIRED FOR PEACE OFFICERS TO CONDUCT POLYGRAPH EXAMINATIONS.

(a) The commission by rule may establish minimum requirements for the training, testing, and certification of peace officers to conduct polygraph examinations for the purpose of:

(1) a preemployment examination of a candidate applying for a position that requires a license under this chapter; or

(2) a criminal investigation.

(b) The commission shall adopt rules prohibiting a peace officer from conducting a polygraph examination for a purpose described by Subsection (a) unless the officer:

(1) completes a training course approved by the commission; and

(2) passes an examination administered by the commission that is designed to test the officer's knowledge of investigative polygraphy.

(c) The commission shall issue a certification to conduct polygraph examinations to a peace officer who applies for the certification, completes the required training, and passes the required examination.

Commentary by: Kaci Sohrt
Source: SB 2180
Effective Date: September 1, 2025
Applicability: As soon as practicable after the effective date of this Act, the Texas Commission on Law Enforcement shall adopt rules required by Section 1701.318, Occupations Code, as added by this Act. A peace officer is not required to comply with rules adopted under Section 1701.318, Occupations Code, as added by this Act, until January 1, 2027.

Summary of Changes

The bill analysis indicates its purpose was to address that there are no standardized certification procedures or training requirements ensuring that peace officers administering polygraph examinations possess the necessary expertise and that this lack of standardization has raised concerns about the accuracy and reliability of these examinations. "To address these issues and improve the credibility and effectiveness of polygraph examinations," the Texas Commission on Law Enforcement is authorized to establish minimum requirements for the training, testing, and certification of peace officers to conduct polygraph examinations for certain purposes."

Interestingly, prior to 2021, polygraph certification existed in Texas and was under the Texas Department of Licensing and Regulation. As part of TDLR's Sunset Review, the state decided that polygraph certification was unnecessary because the 262 licensees were either employed by law enforcement agencies or worked as commercial polygraph examiners whose primary consumers were law enforcement, governmental entities, and sex offenders who needed a polygraph examination as part of their treatment. It was stated that there were few complaints and less than 1% of those resulted in discipline. It was further stated that Texas had established the Joint Polygraph Committee on Offender Testing guidelines and training requirements and that the American Polygraph Association had created national standards for post-conviction sex offender testing.

Governmental Entities

Topic: Open Meetings Act

Government Code Sec. 551.043. TIME AND ACCESSIBILITY OF NOTICE; POSTING OF BUDGET; GENERAL RULE.

(a) The notice of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for at least three business days [~~72 hours~~] before the scheduled date [~~time~~] of the meeting, except as provided by Sections 551.044, 551.045, 551.046, and 551.1281 [~~551.044-551.046~~].

(c) The notice of a meeting required to be posted under Subsection (a) at which a governmental body will discuss or adopt a budget for the governmental body must include:

(1) a physical copy of the proposed budget unless the governmental body has made the proposed budget clearly accessible on the home page of the governmental body's Internet website; and

(2) a taxpayer impact statement showing, for the median-valued homestead property, a comparison of the property tax bill in dollars pertaining to the property for the current fiscal year to an estimate of the property tax bill in dollars for the same property for the upcoming fiscal year if:

(A) the proposed budget is adopted; and

(B) for a taxing unit as defined by Section 1.04, Tax Code, other than an independent school district, a balanced budget funded at the no-new-revenue tax rate as calculated under Chapter 26, Tax Code, is adopted.

(c-1) Subsection (c) does not apply to the governing board of a general academic teaching institution or of a university system to which Section 551.1281 applies.

Government Code Sec. 551.044. EXCEPTION TO GENERAL RULE: GOVERNMENTAL BODY WITH STATEWIDE JURISDICTION.

(a) The secretary of state must post notice on the Internet of a meeting of a state board, commission, department, or officer having statewide jurisdiction for at least seven days before the day of the meeting. The secretary of state shall provide during regular office hours a computer terminal at a place convenient to the public in the office of the secretary of state that members of the public may use to view notices of meetings posted by the secretary of state.

(b) Subsection (a) does not apply to:

(1) the Texas Department of Insurance, as regards proceedings and activities under Title 5, Labor Code, of the department, the commissioner of insurance, or the commissioner of workers' compensation; or

(2) the governing board of an institution of higher education.

Government Code Sec. 551.045. EXCEPTION TO GENERAL RULE: NOTICE OF EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA.

(a) In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which notice has been posted in accordance with this subchapter, is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened.

(a-1) A governmental body may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted under Subsection (a) other than:

(1) a matter directly related to responding to the emergency or urgent public necessity iden-

tified in the notice or supplemental notice of the meeting as provided by Subsection (c); or

(2) an agenda item listed on a notice of the meeting before the supplemental notice was posted.

(b) An emergency or an urgent public necessity exists only if immediate action is required of a governmental body because of:

(1) an imminent threat to public health and safety, including a threat described by Subdivision (2) if imminent; or

(2) a reasonably unforeseeable situation, including:

(A) fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;

(B) power failure, transportation failure, or interruption of communication facilities;

(C) epidemic; or

(D) riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

(c) The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice under this section.

(d) A person who is designated or authorized to post notice of a meeting by a governmental body under this subchapter shall post the notice taking at face value the governmental body's stated reason for the emergency or urgent public necessity.

(e) For purposes of Subsection (b)(2), the sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation.

Government Code Sec. 551.046. EXCEPTION TO GENERAL RULE: COMMITTEE OF LEGISLATURE.

The notice of a legislative committee meeting shall be as provided by the rules of the house of representatives or of the senate.

Commentary by: Kaci Sohrt
Source: HB 1522
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

According to the bill author, the 72-hour posting requirement for local government open meetings has been taken advantage of by some governments, with them posting a Monday meeting on the previous Friday. As such, the statute has been amended to require posting three business days prior to the meeting, rather than 72 hours. Left unchanged are the exceptions to this three-day posting, which include legislative committees, state agencies, and emergency items. Those statutes are included for reference.

In addition to the posting change, this bill requires that, if the meeting will include a discussion or adoption of a budget, a physical or electronic copy of the proposed budget must be made available along with a taxpayer impact statement showing a comparison of the property tax bill between the current fiscal year and the upcoming fiscal year if the proposed budget is adopted and, if applicable, if a balanced-budget funded at the no-new-revenue tax rate is adopted. This comparison is to be based on the median-valued homestead property. For a taxing unit defined by Section 1.04, Tax Code, other than an independent school district,

Code of Criminal Procedure Art. 2A.067. PROVISION OF CERTAIN INFORMATION TO ATTORNEY GENERAL.

(a) A law enforcement agency that submits to the office of a district attorney, criminal district attorney, or county attorney a report stating there is probable cause to believe an identified person has committed a criminal offense under Chapter 551, Government Code, shall simultaneously submit a copy of that report to the open records division of the attorney general's office.

(b) On request of the attorney general, a law enforcement agency shall provide all requested information that has not been made publicly available regarding an investigation of an offense under Chapter 551, Government Code, to the open records division of the attorney general's office.

Code of Criminal Procedure Art. 2A.112. INVESTIGATION OF OPEN MEETING OFFENSES.

(a) A district attorney, criminal district attorney, or county attorney representing the state in the

prosecution of a criminal offense under Chapter 551, Government Code, may request the assistance of the open records division of the attorney general's office in the investigation of the offense.

(b) On request of the attorney general, the district attorney, criminal district attorney, or county attorney representing the state in the prosecution of a criminal offense under Chapter 551, Government Code, shall provide to the open records division of the attorney general's office all requested information that has not been made publicly available regarding the investigation of the offense.

(c) If a district attorney, criminal district attorney, or county attorney who receives a report under Article 2A.067(a) or who represents the state in the prosecution of a criminal offense under Chapter 551, Government Code, decides to not prosecute or to terminate the investigation of a case regarding an offense under that chapter, the attorney shall publish on any Internet website maintained by the attorney's office, for a period of not less than one year:

(1) notice of the attorney's decision to not prosecute or to terminate the investigation of the case; and

(2) the attorney's reason for not prosecuting or for terminating the investigation of the case.

Government Code Sec. 402.02801. INVESTIGATION OF OPEN MEETING OFFENSES.

(a) The open records division of the attorney general's office, on the request of a law enforcement agency under Article 2A.067, Code of Criminal Procedure, or an attorney representing the state under Article 2A.112, Code of Criminal Procedure, may assist the agency or attorney in the investigation of a criminal offense under Chapter 551.

(b) To assist in an investigation under Subsection (a), the open records division of the attorney general's office may request from a law enforcement agency or an attorney representing the state in the prosecution of an offense under Chapter 551 any information relating to the offense that has not been made publicly available.

Commentary by: Kaci Sohrt
Source: HB 3711
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

At the request of a law enforcement agency or a prosecutor, the open records division of the attorney general's office may now assist in the investigation of an alleged criminal violation of the Open Meetings Act. Whether they have been requested to assist or not, a law enforcement agency that submits a probable cause report to the prosecutor regarding an alleged violation must now simultaneously submit that report to the attorney general's office. If requested to assist, the attorney general's office may request additional information from the law enforcement agency or prosecutor. If the prosecutor receives a report and decides to terminate the investigation or decides not to prosecute the case, the attorney must publish on its website the reason for doing so and must keep that published for at least one year.

Penal Code Sec. 42.05. CRIMINAL OFFENSE OF DISRUPTING A MEETING OR PROCESSION.

(a) A person commits an offense if, with intent to prevent or disrupt a lawful meeting, procession, or gathering, whether in person or virtual, the person [~~he~~] obstructs or interferes with the meeting, procession, or gathering by:

(1) physical action;

(2) [~~or~~] verbal utterance; or

(3) electronic disturbance, including hacking, of any virtual component of the meeting, procession, or gathering.

Commentary by: Kaci Sohrt
Source: HB 5238
Effective Date: September 1, 2025
Applicability: An offense occurring on or after the effective date

Summary of Changes

The offense of disrupting a meeting or procession is expanded to include an electronic disturbance, including hacking, of any virtual component of the meeting, procession, or gathering.

Topic: Public Information Act

Government Code Sec. 552.130. DISCLOSURE OF A LICENSE PLATE NUMBER CAPTURED IN A VIDEO OBTAINED OR MAINTAINED BY A LAW ENFORCEMENT AGENCY.

(f) The license plate number of a motor vehicle captured visually or audibly in a video recording obtained or maintained by a law enforcement agency is not confidential under this section or Chapter 730, Transportation Code, and may be included in a video recording disclosed under Section 552.021. This subsection does not preclude a law enforcement agency from asserting other exceptions to the disclosure of the information under this chapter.

Transportation Code Sec. 730.007. PERMITTED DISCLOSURES OF CERTAIN PERSONAL INFORMATION.

(h) A law enforcement agency may release a video recording obtained or maintained by the law enforcement agency that includes the license plate number of a motor vehicle captured visually or audibly in the video in response to a request for public information under Chapter 552, Government Code. The law enforcement agency is not required to redact any license plate numbers before releasing the video.

Commentary by: Kaci Sohrt
Source: HB 1893
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

Under current law, license plate numbers are confidential despite being clearly visible in public. This means that law enforcement agencies have spent extensive time redacting them from videos that are otherwise releasable. The redaction is time-consuming and complex, as automatic redaction tools do not adequately remove the license plate number. This bill changes the law to provide that license plate numbers in videos obtained or maintained by law enforcement are not confidential for the purposes of the Public Information Act and may be included in video recordings disclosed under that law.

Government Code Sec. 552.234, PUBLIC ACCESS TO ADDRESSES DESIGNATED BY A GOVERNMENTAL BODY TO RECEIVE A REQUEST FOR PUBLIC INFORMATION.

(e) Not later than October 1 of each year, each governmental body shall notify the attorney general of the current mailing address and electronic mail address designated by the governmental body under Subsection (c) for receiving written requests for public information.

(f) The attorney general shall create and maintain on the office of the attorney general's Internet website a publicly accessible database of the mailing addresses and electronic mail addresses provided by governmental bodies under Subsection (e).

Commentary by: Kaci Sohrt
Source: HB 4214
Effective Date: June 20, 2025
Applicability: On or after the effective date

Summary of Changes

Each governmental body is required annually, no later than October 1, to notify the attorney general of the agency's current mailing and email address designated for receiving written requests for public information under the Public Information Act. The attorney general must create and maintain a publicly accessible database of all such information on its website.

Government Code Sec. 552.164. EXCEPTION: CONFIDENTIALITY OF INFORMATION REGARDING FRAUD DETECTION AND DETERRENCE MEASURES.

(a) Information in the custody of a governmental body that relates to fraud detection and deterrence measures is confidential and excepted from the requirements of Section 552.021. For purposes of this section, fraud detection information includes risk assessments, reports, data, protocols, technology specifications, manuals, instructions, investigative materials, crossmatches, mental impressions, and communications that may reveal the methods or means by which a governmental body prevents, investigates, or evaluates fraud.

(b) The confidentiality protection provided by Subsection (a) does not affect the ability of a governmental body to share information described by Subsection (a) as authorized by other law for law enforcement and fraud detection and prevention purposes.

Commentary by: Kaci Sohrt
Source: SB 765
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

This new statute provides that a governmental body's information relating to fraud detention and deterrence is confidential and excepted from release under the Public Information Act.

Government Code Sec. 552.221. GOVERNMENTAL BODY'S RESPONSE TO REQUESTS FOR PUBLIC INFORMATION.

(f) If the governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the 10th business day after the date the request is received.

(g) If a governmental body determines the requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the 10th business day after the date the request is received:

(1) notify the requestor in writing that the information is being withheld; and

(2) identify in the notice the specific previous determination the governmental body is relying on to withhold the requested information.

Government Code Sec. 552.301. REQUEST FOR ATTORNEY GENERAL DECISION.

(b) The governmental body must ask for the attorney general's decision and state the specific exceptions that apply within a reasonable time but not later than the 10th business day after the date of receiving the written request.

GOVERNMENT CODE CHAPTER 552. SUBCHAPTER H. CIVIL ENFORCEMENT; COMPLAINT.

Government Code Sec. 552.328. FAILURE TO RESPOND TO REQUESTOR.

(a) If a governmental body fails to respond to a requestor as required by Section 552.221, the requestor may send a written complaint to the attorney general.

(b) The complaint must include:

(1) the original request for information; and

(2) any correspondence received from the governmental body in response to the request.

(c) If the attorney general determines the governmental body improperly failed to comply with Section 552.221 in connection with a request for which a complaint is made under this section:

(1) the attorney general shall notify the governmental body in writing and require the governmental body's public information officer or the officer's designee to complete open records training not later than six months after receiving the notification;

(2) the governmental body may not assess costs to the requestor for producing information in response to the request; and

(3) if the governmental body seeks to withhold information in response to the request, the governmental body must:

(A) request an attorney general decision under Section 552.301 not later than the fifth business day after the date the governmental body receives the notification under Subdivision (1); and

(B) release the requested information unless there is a compelling reason to withhold the information.

Commentary by: Kaci Sohrt
Source: HB 4219
Effective Date: September 1, 2025
Applicability: Applies to a request for information received on or after the effective date.

Summary of Changes

Governmental entities that have no records responsive to a request for public information or that are relying on a previous determination to

withhold information now must notify the requestor within 10 days. This is designed to remove ambiguity in the statute and ensure governmental responsiveness. This bill also requires a governmental entity requesting an attorney general opinion to withhold information to identify the specific provision of law that it believes is applicable to warrant withholding the information. Finally, it creates a complaint process through the office of attorney general to address believed violations of the law.

GOVERNMENT CODE CHAPTER 552. SUBCHAPTER K. SPECIAL RIGHT OF ACCESS BY MEMBER OF GOVERNING BOARD.

Government Code Sec. 552.401. DEFINITIONS.

In this subchapter:

(1) "Member of a governing board" means any individual who is appointed, designated, or elected to direct or serve on a board or other group of individuals that directs a governmental body or a nongovernmental entity, including a member of the governing body of a municipality and a county commissioner.

(2) "Nongovernmental entity" means an entity described by Section 552.371(a).

(3) "Promptly" has the meaning described by Section 552.221(a).

Government Code Sec. 552.402. APPLICABILITY.

This subchapter does not apply to the legislature or a legislative agency created by Subtitle C, Title 3.

Government Code Sec. 552.403. SPECIAL RIGHT OF ACCESS FOR MEMBER OF GOVERNING BOARD.

(a) A member of the governing board of a governmental body or nongovernmental entity may inspect, duplicate, or inspect and duplicate public information maintained by the governmental body or the nongovernmental entity if the member is acting in the member's official capacity.

(b) Public information requested under this section shall be provided to the member promptly and without charge.

(c) If requested by the member, public information requested under this section that is confidential under law shall be redacted from the information provided to the member without charge.

(d) Information subject to attorney-client privilege is not subject to disclosure to a member of a governing board under this section unless the attorney-client relationship upon which the privilege is based applies to the member. A governmental body or nongovernmental entity shall inform the member if information responsive to a request made under Subsection (a) is withheld under this subsection.

Government Code Sec. 552.404. CONFIDENTIAL INFORMATION.

(a) A governmental body or a nongovernmental entity that has been requested to provide information under this subchapter may request the member of a governing board who is receiving public information that is confidential under law to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned remaining confidential and subject to the confidentiality agreement.

(b) A governmental body or nongovernmental entity, by providing public information under this subchapter that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future.

Government Code Sec. 552.405. DETERMINATION BY ATTORNEY GENERAL.

(a) A member of a governing board who has received a request under Section 552.404(a) to sign a confidentiality agreement may seek a decision about whether the information covered by the confidentiality agreement is confidential under law. A confidentiality agreement signed under Section 552.404(a) is void to the extent that the agreement covers information that is determined by the attorney general or a court to not be confidential under law.

(b) The attorney general by rule shall establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the member of a governing board, the governmental body or nongovernmental entity, and any other interested person.

(c) The attorney general shall promptly render a decision requested under this section, determining whether the information covered by the confidentiality agreement is confidential under law, not later than the 45th business day after the date the attorney general received the request for a decision under this section. The attorney general shall issue a written decision on the matter and provide a copy of the decision to the member, the governmental body or nongovernmental entity, and any interested person who submitted necessary information or a brief to the attorney general about the matter.

(d) The member or the governmental body or nongovernmental entity may appeal a decision of the attorney general under this section to a Travis County district court. Any other person may appeal a decision of the attorney general under this section to a Travis County district court if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

Government Code Sec. 552.406. WRIT OF MANDAMUS.

(a) If a governmental body or nongovernmental entity fails or refuses to comply with an applicable requirement of this subchapter, a member of a governing board who made a request under Section 552.403 may file a motion, petition, or other appropriate pleading in a district court having jurisdiction for a writ of mandamus to compel the body or entity to comply with the applicable requirement.

(b) A pleading under Subsection (a) must be brought:

(1) in Travis County for a governmental body that is a state agency;

(2) in a county in which the governmental body is located for a governmental body that is not a state agency; or

(3) in the county where the entity's principal office in this state is located for a nongovernmental entity.

(c) If the member prevails under Subsection (a), the court may award reasonable attorney's fees, expenses, and court costs.

Government Code Sec. 552.407. INFORMATION OBTAINABLE UNDER OTHER LAW.

This subchapter does not affect:

(1) the procedures under which information may be obtained under other law; or

(2) the use that may be made of information obtained under other law.

Commentary by: Kaci Sohrt
Source: HB 4310
Effective Date: September 1, 2025
Applicability: Does not apply to the legislature or a legislative agency created by Subtitle C, Title 3.

Summary of Changes

This bill grants governing board members of both governmental and non-governmental entities a special right of access to public records. If the requested information is confidential, it must be redacted before being provided to the member. The member cannot be charged for the information. Information subject to attorney-client privilege is not releasable to the member unless the attorney-client relationship applies to the board member.

The member can be requested to sign a confidentiality agreement. If such request is made, the member can ask the attorney general to determine if the information is actually confidential under the law. The attorney general is to establish

rules to implement this. The member may file a writ of mandamus if the entity fails or refuses to comply with this new law.

Topic: Cybersecurity and Artificial Intelligence

Government Code Sec. 551.0761. DELIBERATION REGARDING CRITICAL INFRASTRUCTURE FACILITY; CLOSED MEETING.

(a) In this section:

(1) "Critical infrastructure facility" means a communication infrastructure system, cybersecurity system, electric grid, electrical power generating facility, substation, switching station, electrical control center, dam, natural gas and natural gas liquids gathering, processing, and storage transmission and distribution system, hazardous waste treatment system, water treatment facility, water intake structure, wastewater treatment plant, pump station, or water pipeline and related support facility, equipment, and property.

(2) "Cybersecurity" means the measures taken to protect a computer, a computer network, a computer system, or other technology infrastructure against unauthorized use or access.

(b) This chapter does not require a governmental body to conduct an open meeting to deliberate a cybersecurity measure, policy, or contract solely intended to protect a critical infrastructure facility located in the jurisdiction of the governmental body.

Government Code Sec. 552.1391. EXCEPTION: CONFIDENTIALITY OF CYBERSECURITY MEASURES.

(a) In this section:

(1) "Critical infrastructure facility" has the meaning assigned by Section 551.0761.

(2) "Cybersecurity" has the meaning assigned by Section 551.0761.

(b) Information is excepted from the requirements of Section 552.021 if it is information that relates to:

(1) a cybersecurity measure, policy, or contract solely intended to protect a critical infrastructure facility located in the jurisdiction of the governmental body;

(2) coverage limits and deductible amounts for insurance or other risk mitigation coverages acquired for the protection of information technology systems, critical infrastructure, operational technology systems, or data of a governmental body or the amount of money set aside by a governmental body to self-insure against those risks;

(3) cybersecurity incident information reported pursuant to state law; and

(4) network schematics, hardware and software configurations, or encryption information or information that identifies the detection, investigation, or response practices for suspected or confirmed cybersecurity incidents if the disclosure of such information would facilitate unauthorized access to:

(A) data or information, whether physical or virtual; or

(B) information technology resources, including a governmental body's existing or proposed information technology system.

(c) A governmental body may disclose information made confidential by this section to comply with applicable state or federal law or a court order. A governmental body that is required to disclose information described by Subsection (b) shall:

(1) not later than the fifth business day before the date the information is required to be disclosed, provide notice of the required disclosure to the person or third party who owns the critical infrastructure facility or, in the event immediate disclosure is required, notify in writing the person or third party as soon as practicable but not later than the fifth business day after the information is disclosed; and

(2) retain all existing labeling on the information being disclosed describing such information as confidential or privileged.

Commentary by: Kaci Sohrt
Source: HB 3112
Effective Date: June 20, 2025
Applicability: On or after the effective date

Summary of Changes

These changes allow governmental bodies to keep information relating to cybersecurity incidents, measures, policies, and systems confidential by providing that discussion and deliberation of them may be had in a closed meeting, rather than an open meeting and by making certain information confidential and excepted from release under the Public Information Act.

Government Code Sec. 772.012. COMPLIANCE WITH CYBERSECURITY AND ARTIFICIAL INTELLIGENCE TRAINING REQUIREMENTS.

(b) To apply for a grant under this chapter, a local government must submit with the grant application a written certification of the local government's compliance with the cybersecurity training and the artificial intelligence training required by Section 2054.5191.

(c) On a determination by the criminal justice division established under Section 772.006 that a local government awarded a grant under this chapter has not complied with the cybersecurity training or the artificial intelligence training required by Section 2054.5191, the local government shall pay to this state an amount equal to the amount of the grant award. A local government that is the subject of a determination described by this subsection is ineligible for another grant under this chapter until the second anniversary of the date the local government is determined ineligible.

GOVERNMENT CODE SUBCHAPTER N-1. CYBERSECURITY AND ARTIFICIAL INTELLIGENCE

Government Code Sec. 2054.5191. CYBERSECURITY AND ARTIFICIAL INTELLIGENCE TRAINING REQUIRED: CERTAIN EMPLOYEES AND OFFICIALS.

(a) Each state agency shall identify state employees who use a computer to complete at least 25 percent of the employee's required duties. At least once each year, an employee identified by the state agency and each elected or appointed officer of the agency shall complete a cybersecurity training program certified under Section 2054.519 and an artificial intelligence training program certified under Section 2054.5193.

(a-1) At least once each year, a local government shall:

(1) identify local government employees and elected and appointed officials who have access to a local government computer system or database and use a computer to perform at least 25 percent of the employee's or official's required duties; and

(2) require the employees and officials identified under Subdivision (1) to complete:

(A) a cybersecurity training program certified under Section 2054.519; and

(B) an artificial intelligence training program certified under Section 2054.5193.

(b) The governing body of a local government may select the most appropriate cybersecurity training program certified under Section 2054.519 and the most appropriate artificial intelligence training program certified under Section 2054.5193 for employees and officials of the local government to complete. The governing body shall:

(1) verify and report on the completion of a cybersecurity training program and an artificial intelligence training program by employees and officials of the local government to the department; and

(2) require periodic audits to ensure compliance with this section.

(c) A state agency may select the most appropriate cybersecurity training program certified under Section 2054.519 and the most appropriate artificial intelligence training program certified under Section 2054.5193 for employees of the state agency. The executive head of each state agency shall verify completion of a cybersecurity training program and an artificial intelligence training program by employees of the state agency in a manner specified by the department.

(e) The department shall develop a form for use by state agencies and local governments in verifying completion of cybersecurity training program and artificial intelligence training program re-

quirements under this section. The form must allow the state agency and local government to indicate the percentage of employee completion.

Government Code Sec. 2054.5193. STATE-CERTIFIED ARTIFICIAL INTELLIGENCE TRAINING PROGRAMS.

(a) The department, in consultation with a board or council administratively attached to the department and authorized to advise the department on artificial intelligence systems and with other interested persons, shall annually:

(1) certify at least five artificial intelligence training programs for state and local government employees;

(2) update standards for maintenance of certification by the artificial intelligence training programs under this section; and

(3) ensure that the artificial intelligence training programs are equal in length to the cybersecurity training programs certified under Section 2054.519.

(b) To be certified under Subsection (a), an artificial intelligence training program must:

(1) focus on forming an understanding of how artificial intelligence technology may be used in relation to a state employee's responsibilities and duties; and

(2) teach best practices on literacy in deploying and operating the artificial intelligence technologies.

(c) The department may identify and certify under Subsection (a) training programs provided by state agencies and local governments that satisfy the training requirements described by Subsection (b).

(d) The department may contract with an independent third party to certify artificial intelligence training programs under this section.

(e) The department shall annually publish on the department's Internet website the list of artificial intelligence training programs certified under this section.

Government Code Sec. 2056.002. STRATEGIC PLANS.

(b) The Legislative Budget Board and the governor's office shall determine the elements required to be included in each agency's strategic plan. Unless modified by the Legislative Budget Board and the governor's office, and except as provided by Subsection (c), a plan must include:

(1) a statement of the mission and goals of the state agency;

(2) a description of the indicators developed under this chapter and used to measure the output and outcome of the agency;

(3) identification of the groups of people served by the agency, including those having service priorities, or other service measures established by law, and estimates of changes in those groups expected during the term of the plan;

(4) an analysis of the use of the agency's resources to meet the agency's needs, including future needs, and an estimate of additional resources that may be necessary to meet future needs;

(5) an analysis of expected changes in the services provided by the agency because of changes in state or federal law;

(6) a description of the means and strategies for meeting the agency's needs, including future needs, and achieving the goals established under Section 2056.006 for each area of state government for which the agency provides services;

(7) a description of the capital improvement needs of the agency during the term of the plan and a statement, if appropriate, of the priority of those needs;

(8) identification of each geographic region of this state, including the Texas-Louisiana border region and the Texas-Mexico border region, served by the agency, and if appropriate the agency's means and strategies for serving each region;

(9) a description of the training of the agency's contract managers under Section 656.052;

(10) an analysis of the agency's expected expenditures that relate to federally owned or operated military installations or facilities, or communities where a federally owned or operated military installation or facility is located;

(11) an analysis of the strategic use of information resources as provided by the instructions prepared under Section 2054.095;

(12) a written certification of the agency's compliance with the cybersecurity training and the artificial intelligence training required under Sections 2054.5191 and 2054.5192; and

(13) other information that may be required.

Commentary by: Kaci Sohrt
Source: HB 3512
Effective Date: September 1, 2025
Applicability: As soon as practicable after the effective date of this Act, the Department of Information Resources shall adopt the rules necessary to develop and implement the artificial intelligence training programs required by Section 2054.5193, Government Code, as added by this Act.

Summary of Changes

Employees of state agencies and local governments who use a computer to complete at least 25% of their required duties must now complete an artificial intelligence training program at least once per year. The Department of Information Resources is responsible for annually certifying at least five artificial intelligence training programs, for updating standards for maintenance of certification by those programs, and for ensuring that the training programs are equal in length to the certified cybersecurity training programs. State agencies are required to include written certification of compliance in their strategic plans.

Government Code Sec. 2054.603. ENFORCEABILITY OF STATE AND LOCAL CONTRACT LANGUAGE ON SECURITY INCIDENT NOTIFICATIONS

(a) In this section:

(1) "Security incident" means:

(A) a breach or suspected breach of system security as defined by Section 521.053, Business & Commerce Code; and

(B) the introduction of ransomware, as defined by Section 33.023, Penal Code, into a computer, computer network, or computer system.

(2) "Sensitive personal information" has the meaning assigned by Section 521.002, Business & Commerce Code.

(b) A state agency or local government that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a security incident:

(1) comply with the notification requirements of Section 521.053, Business & Commerce Code, to the same extent as a person who conducts business in this state;

(2) not later than 48 hours after the discovery of the security incident, notify:

(A) the department, including the chief information security officer; or

(B) if the security incident involves election data, the secretary of state; and

(3) comply with all department rules relating to reporting security incidents as required by this section.

(c) Not later than the 10th business day after the date of the eradication, closure, and recovery from a security incident, a state agency or local government shall notify the department, including the chief information security officer, of the details of the security incident and include in the notification an analysis of the cause of the security incident.

(d) This section does not apply to a security incident that a local government is required to report to an independent organization certified by the Public Utility Commission of Texas under Section 39.151, Utilities Code.

(e) Contract language in a cybersecurity insurance contract or other contract for goods or services prohibiting or restricting a state agency's or local government's compliance with this section or otherwise circumventing the requirements of this section is void and unenforceable.

Commentary by: Kaci Sohrt
Source: HB 5331
Effective Date: June 20, 2025
Applicability: Section 2054.603(e), Government Code, as added by this Act, is intended to clarify rather than change existing law.

Summary of Changes

This bill is intended to clarify rather than change existing law. It makes it clear that any contract language in a contract for goods or services, including a cybersecurity insurance contract, that prohibits, restricts, or otherwise circumvents a

state agency or local government's compliance with requirements to address cybersecurity incidents in accordance with this state are void.

Government Code Sec. 2054.003. DEFINITIONS.

(1-a) "Artificial intelligence system" means a machine-based system that for explicit or implicit objectives infers from provided information a method to generate outputs, such as predictions, content, recommendations, or decisions, to influence a physical or virtual environment with varying levels of autonomy and adaptiveness after deployment.

(2-b) "Consequential decision" means a decision that has a material legal or similarly significant effect on the provision, denial, or conditions of a person's access to a government service.

(2-c) "Controlling factor" means a factor that is:

(A) the principal basis for making a consequential decision; or

(B) capable of altering the outcome of a consequential decision.

(6-a) "Heightened scrutiny artificial intelligence system" means an artificial intelligence system specifically intended to autonomously make, or be a controlling factor in making, a consequential decision. The term does not include an artificial intelligence system intended to:

(A) perform a narrow procedural task;

(B) improve the result of a previously completed human activity;

(C) perform a preparatory task to an assessment relevant to a consequential decision; or

(D) detect decision-making patterns or deviations from previous decision-making patterns.

(11) "Principal basis" means the use of an output produced by a heightened scrutiny artificial intelligence system to make a decision without:

(A) human review, oversight, involvement, or intervention; or

(B) meaningful consideration by a human.

Government Code Sec. 2054.068. INFORMATION TECHNOLOGY INFRASTRUCTURE REPORT.

(b) The department shall collect from each state agency information on the status and condition of the agency's information technology infrastructure, including information regarding:

(1) the agency's information security program;

(2) an inventory of the agency's servers, mainframes, cloud services, artificial intelligence systems, including heightened scrutiny artificial intelligence systems, and other information technology equipment;

(3) identification of vendors that operate and manage the agency's information technology infrastructure; and

(4) any additional related information requested by the department.

Government Code Sec. 2054.0965. INFORMATION RESOURCES DEPLOYMENT REVIEW.

(a) Not later than March 31 of each even-numbered year, a state agency shall complete a review of the operational aspects of the agency's information resources deployment following instructions developed by the department.

(b) Except as otherwise modified by rules adopted by the department, the review must include:

(1) an inventory of the agency's major information systems, as defined by Section 2054.008, and other operational or logistical components related to deployment of information resources as prescribed by the department;

(2) an inventory of the agency's major databases and applications;

(3) a description of the agency's existing and planned telecommunications network configuration;

(4) an analysis of how information systems, components, databases, applications, and other information resources have been deployed by the agency in support of:

(A) applicable achievement goals established under Section 2056.006 and the state

strategic plan adopted under Section 2056.009;

(B) the state strategic plan for information resources; and

(C) the agency's business objectives, mission, and goals;

(5) agency information necessary to support the state goals for interoperability and reuse; [~~and~~]

(6) an inventory and identification of the artificial intelligence systems and heightened scrutiny artificial intelligence systems deployed by the agency, including an evaluation of the purpose of and risk mitigation measures for each system and an analysis of each system's support of the agency's strategic plan under this subchapter; and

(7) confirmation by the agency of compliance with state statutes, rules, and standards relating to information resources and artificial intelligence systems, including the artificial intelligence system code of ethics developed under Section 2054.702, and minimum standards developed under Section 2054.703.

(c) Local governments shall complete a review of the deployment and use of heightened scrutiny artificial intelligence systems and, on request, provide the review to the department in the manner the department prescribes.

Government Code Sec. 2054.137. DESIGNATED DATA MANAGEMENT OFFICER.

(a-1) A state agency with 150 or fewer full-time employees may:

(1) designate a full-time employee of the agency to serve as a data management officer; or

(2) enter into an agreement with one or more state agencies to jointly employ a data management officer if approved by the department.

(c) In accordance with department guidelines, the data management officer for a state agency shall annually post on the Texas Open Data Portal established by the department under Section 2054.070 at least three high-value data sets as defined by Section 2054.1265. The high-value data sets may not include information that is confidential or protected from disclosure under state or federal law.

Government Code Chapter 2054. SUBCHAPTER S. ARTIFICIAL INTELLIGENCE

Government Code Sec. 2054.701. DEFINITION.

In this subchapter, "unlawful harm" means any condition in which the use of an artificial intelligence system results in a consequential decision that causes harm to an individual who is a member of a state or federally protected class in violation of law. The term does not include a developer's or deployer's offer, license, or use of a heightened scrutiny artificial intelligence system for the sole purpose of testing the system before deployment to identify, mitigate, or otherwise ensure compliance with state and federal law.

Government Code Sec. 2054.702. ARTIFICIAL INTELLIGENCE SYSTEM CODE OF ETHICS.

(a) The department by rule shall establish an artificial intelligence system code of ethics for use by state agencies and local governments that procure, develop, deploy, or use artificial intelligence systems.

(b) At a minimum, the artificial intelligence system code of ethics must include guidance for the deployment and use of artificial intelligence systems and heightened scrutiny artificial intelligence systems that aligns with the Artificial Intelligence Risk Management Framework (AI RMF 1.0) published by the National Institute of Standards and Technology. The guidance must address:

(1) human oversight and control;

(2) fairness and accuracy;

(3) transparency, including consumer disclosures;

(4) data privacy and security;

(5) public and internal redress, including accountability and liability; and

(6) the frequency of evaluations and documentation of improvements.

(c) State agencies and local governments shall adopt the code of ethics developed under this section.

Government Code Sec. 2054.703. MINIMUM STANDARDS FOR HEIGHTENED SCRUTINY ARTIFICIAL INTELLIGENCE SYSTEMS.

(a) The department by rule shall develop minimum risk management and governance standards for the development, procurement, deployment, and use of heightened scrutiny artificial intelligence systems by a state agency or local government.

(b) The minimum standards must be consistent with the Artificial Intelligence Risk Management Framework (AI RMF 1.0) published by the National Institute of Standards and Technology and must:

(1) establish accountability measures, such as required reports describing the use of, limitations of, and safeguards for the heightened scrutiny artificial intelligence system;

(2) require the assessment and documentation of the heightened scrutiny artificial intelligence system's known security risks, performance metrics, and transparency measures:

(A) before deploying the system; and

(B) at the time any material change is made to:

(i) the system;

(ii) the state or local data used by the system; or

(iii) the intended use of the system;

(3) provide to local governments resources that advise on managing, procuring, and deploying a heightened scrutiny artificial intelligence system, including data protection measures and employee training; and

(4) establish guidelines for:

(A) risk management frameworks, acceptable use policies, and training employees; and

(B) mitigating the risk of unlawful harm by contractually requiring vendors to implement risk management frameworks when deploying heightened scrutiny artificial intelligence systems on behalf of state agencies or local governments.

(c) State agencies and local governments shall adopt the standards developed under Subsection (a).

Government Code Sec. 2054.704. EDUCATIONAL OUTREACH PROGRAM.

(a) The department shall develop educational materials on artificial intelligence systems to promote the responsible use of the systems and awareness of the risks and benefits of system use, explain consumer rights in relation to the systems, and describe risk mitigation techniques.

(b) The department shall develop training materials for state and local government employees and the general public. The training materials must be made available on the department's public Internet website.

(c) The department shall host statewide forums and training sessions on artificial intelligence systems best practices for state and local government employees.

(d) The department may:

(1) use money appropriated to the department to produce materials required by this section; and

(2) contract with a vendor to produce those materials.

Government Code Sec. 2054.705. PUBLIC SECTOR ARTIFICIAL INTELLIGENCE SYSTEMS ADVISORY BOARD.

(a) A public sector artificial intelligence systems advisory board is established to assist state agencies in the development, deployment, and use of artificial intelligence systems.

(b) The advisory board shall:

(1) obtain and disseminate information on artificial intelligence systems, including use cases, policies, and guidelines;

(2) facilitate shared resources between state agencies;

(3) consult with the department on artificial intelligence systems issues;

(4) identify opportunities:

(A) for state agencies to implement artificial intelligence systems to reduce administrative burdens; and

(B) to streamline the state procurement process for artificial intelligence systems; and

(5) recommend elimination of rules that restrict the innovation of artificial intelligence systems.

(c) The department shall provide administrative support for the advisory board.

(d) The advisory board is composed of eight members as follows:

(1) six members representing state agencies, including one member representing an agency with fewer than 150 employees, appointed by the governor or the governor's designee; and

(2) two public members with expertise in technology, appointed by the governor or the governor's designee.

(e) Advisory board members serve two-year terms. Advisory board members may be reappointed.

(f) Advisory board members are not entitled to compensation or reimbursement of expenses for service on the advisory board.

Government Code Sec. 2054.706. ARTIFICIAL INTELLIGENCE SYSTEM SANDBOX PROGRAM.

(a) In this section:

(1) "Eligible entity" means an eligible customer under Section 2054.0525.

(2) "Program" means the program established by this section that is designed to allow temporary testing of an artificial intelligence system in a controlled, limited manner without requiring full compliance with otherwise applicable regulations.

(3) "Vendor" means a person registered with the department as a contractor to provide commodity items under Section 2157.068.

(b) The department shall establish and administer a program to support eligible entities in contracting with vendors to engage in research, development, training, testing, and other pre-deployment activities related to artificial intelligence systems to effectively, efficiently, and securely assist the entity in accomplishing its public purposes.

(c) The department shall create an application process for vendors to apply to participate in the program. The application process must include:

(1) a detailed description of the artificial intelligence system proposed for participation in the program and the system's intended use;

(2) a risk assessment of the system that addresses potential impacts on the public; and

(3) a plan for mitigating any adverse consequences discovered during the system's testing phase.

(d) A vendor participating in the program shall, with oversight by the department, provide eligible entities with secure access to an artificial intelligence system used in the program.

(e) The department shall provide to vendors and eligible entities participating in the program detailed guidelines regarding the exemption from compliance with otherwise applicable regulations provided by the program.

(f) The eligible entities and vendors shall submit quarterly reports to the department that include:

(1) performance measures for the artificial intelligence system;

(2) risk mitigation strategies implemented during system testing;

(3) feedback on program effectiveness and efficiency; and

(4) any additional information the department requests.

(g) Not later than November 30 of each even-numbered year, the department shall produce an annual report and submit the report to the legislature summarizing:

(1) the number of eligible entities and vendors participating in the program and the program outcomes; and

(2) recommendations for legislative or other action.

(h) Notwithstanding Section 2054.383, the department may operate the program as a statewide technology center under Subchapter L.

(i) The department shall share information and resources for the program with any other depart-

ment program established to allow a person, without holding a license or certificate of registration under the laws of this state, to test an artificial intelligence system for a limited time and on a limited basis.

Government Code Sec. 2054.707. DISCLOSURE REQUIREMENTS.

A state agency that procures, develops, deploys, or uses a public-facing artificial intelligence system shall provide clear disclosure of interaction with the system to the public as provided by the artificial intelligence system code of ethics established under Section 2054.702. The disclosure is not required if a reasonable person would know the person is interacting with an artificial intelligence system.

Government Code Sec. 2054.708. IMPACT ASSESSMENTS.

(a) A state agency that deploys or uses a heightened scrutiny artificial intelligence system or a vendor that contracts with a state agency for the deployment or use of a heightened scrutiny artificial intelligence system shall conduct a system assessment that outlines:

(1) risks of unlawful harm;

(2) system limitations; and

(3) information governance practices.

(b) The state agency or vendor shall make a copy of the assessment available to the department on request.

(c) An impact assessment conducted under this section is confidential and not subject to disclosure under Chapter 552. The state agency or department may redact or withhold information as confidential under Chapter 552 without requesting a decision from the attorney general under Subchapter G, Chapter 552.

(d) The department shall take actions necessary to ensure the confidentiality of information submitted under this section, including restricting access to submitted information to only authorized personnel and implementing physical, electronic, and procedural protections.

Government Code Sec. 2054.709. ENFORCEMENT.

(a) If a state agency or vendor becomes aware of a violation of this subchapter, the agency or vendor shall report the violation to the department, if applicable, and the attorney general.

(b) The attorney general shall:

(1) review a report submitted under this section or a complaint reported through the web page established under Section 2054.710; and

(2) determine whether to bring an action to enjoin a violation of this subchapter.

(c) If the attorney general, in consultation with the department, determines that a vendor violated this subchapter, the attorney general shall provide the vendor with a written notice of the violation.

(d) If a vendor fails to respond or cure the violation before the 31st day after the date the vendor receives the written notice under Subsection (c), the state agency shall provide the vendor with a notice of intent to void the contract. The vendor may respond and seek to cure the violation before the 31st day after the date the vendor receives the notice of intent.

(e) If the vendor fails to cure the violation before the 31st day after the date the vendor receives the notice of intent to void the contract under Subsection (d), the state agency may void the contract without further obligation to the vendor.

(f) If the department determines that a vendor has had more than one contract voided under Subsection (e), the department shall refer the matter to the comptroller. Using procedures prescribed by Section 2155.077, the comptroller may bar the vendor from participating in a state agency contract.

Government Code Sec. 2054.710. ARTIFICIAL INTELLIGENCE SYSTEM COMPLAINT WEB PAGE.

(a) The attorney general shall, in collaboration with the department, establish a web page on the attorney general's Internet website that allows a person to report a complaint relating to artificial intelligence systems, including:

(1) instances of an artificial intelligence system allegedly unlawfully infringing on the person's constitutional rights or financial livelihood; or

(2) the use of an artificial intelligence system that allegedly results in unlawful harm.

(b) A complaint submitted on the web page created under Subsection (a) must be distributed to the department.

(c) A person who submits a complaint on the web page created under Subsection (a) may request an explanation from the department.

(d) The attorney general shall post on the attorney general's Internet website information that:

(1) educates persons regarding the risks and benefits of artificial intelligence systems; and

(2) explains a person's rights in relation to artificial intelligence systems.

(e) If the attorney general, in consultation with the department, determines that the complaint is substantiated and a violation of this subchapter occurred, the attorney general may seek enforcement under Section 2054.709.

(f) Not later than November 30 of each even-numbered year, the attorney general shall submit to the legislature a report summarizing the complaints received under this section, the resolutions of the complaints, and any enforcement actions taken.

Government Code Sec. 2054.711. STANDARDIZED NOTICE.

(a) Each state agency and local government deploying or using an artificial intelligence system that is public-facing or that is a controlling factor in a consequential decision shall include a standardized notice on all related applications, Internet websites, and public computer systems.

(b) The department shall develop a form that agencies must use for the notice required under Subsection (a) The form must include:

(1) general information about the system and data sources the system uses; and

(2) measures taken to maintain compliance with information privacy laws and ethics standards.

(c) For the purposes of this section, any health care service by an academic medical center, state owned hospital, public hospital or hospital district organized under Article IX of the Texas Constitution or under Texas Health and Safety Code may satisfy their disclosure requirements by including a generalized statement in the patient consent forms that an artificial intelligence system may be used in the course of their treatment.

Government Code Sec. 2054.712. EFFICIENT USE OF RESOURCES.

The department shall coordinate the activities under this subchapter and any other law relating to artificial intelligence systems to ensure efficient system implementation and to streamline the use of department resources, including information sharing and personnel.

Government Code Sec. 2054.713. RULES.

The department shall adopt rules to implement this subchapter.

Commentary by: Kaci Sohrt
Source: SB 1964
Effective Date: September 1, 2025
Applicability: As soon as practicable after the effective date, DIR shall adopt rules necessary to implement Subchapter S, Chapter 2054 and develop the required outreach program. As soon as practicable after the effective date, the office of attorney general shall establish the required web page.

Summary of Changes

The stated purpose of this bill is to create a clear, enforceable framework for the procurement, development, and deployment of AI systems by government agencies in Texas. DIR is required to establish, by rule, a code of ethics and minimum risk management and governance standards for use by state agencies and local governments that procure, develop, deploy, or use artificial intelligence systems. The statute sets out what must be included. State agencies and local governments must adopt the code of ethics and standards that are developed.

DIR is required to develop educational materials on AI. DIR is required to develop training materials for state and local government and the general public and make them available on its website. DIR is required to host statewide forums and training sessions on AI best practices for state

and local governments. DIR is required to establish and administer a program to support eligible entities in contracting with vendors related to AI systems. State agencies and vendors must conduct a system assessment and provide a copy to DIR upon request. State agencies and vendors are required to report violations of new Subchapter S, Chapter 2054, to DIR and, if applicable, the attorney general.

The attorney general, in collaboration with DIR, must establish a web page to allow people to report complaints relating to AI systems, such as the system allegedly infringing on the person's constitutional rights or financial livelihood or the use of an AI system that allegedly results in unlawful harm, defined as any condition in which the use of an AI system results in a consequential decision that causes harm to an individual who is a member of a state or federally protected class in violation of law. Investigation and enforcement mechanisms are set out in statute.

A public sector AI advisory board is created by statute to assist state agencies in developing, deploying, and using AI systems. Its responsibilities are spelled out in statute, as is its make up.

If a state agency or local government uses an AI system that is public-facing or is a controlling factor in a consequential decision, the agency or local government must include a standardized notice on all related applications, websites, and computer systems. DIR is to develop the form that must be used.

DIR is required to collect information regarding AI systems from each state agency. DIR's review of each agency now includes an inventory and identification of the artificial intelligence systems and heightened scrutiny artificial intelligence systems deployed by the agency, including an evaluation of the purpose of and risk mitigation measures for each system and an analysis of each system's support of the agency's strategic plan under that particular subchapter. The agency must also confirm compliance with state statutes, rules, and standards relating to artificial intelligence systems.

Current law requires each state agency to post certain data sets on its website; this requirement is now annual. Local governments are now required to complete a review of the deployment and use of heightened scrutiny artificial intelligence systems and, on request, provide the review to DIR.

Topic: State Agency Telework

Government Code Sec. 658.001. DEFINITIONS.

(3) "Telework" means a work arrangement that allows an employee of a state agency to conduct on a regular basis all or some agency business at a place other than the employee's regular or assigned temporary place of employment during all or a portion of the employee's established work hours.

Government Code Section 658.010. PLACE WHERE WORK PERFORMED.

(a) An employee of a state agency shall, during normal office hours, conduct agency business only at the employee's regular or assigned temporary place of employment unless the employee:

(1) is travelling; or

(2) has received authorization to telework under Section 658.011 [~~received prior written authorization from the administrative head of the employing state agency to perform work elsewhere~~].

Government Code Sec. 658.011. AUTHORIZATION OF TELEWORK.

(a) The administrative head of a state agency may enter into an agreement with an employee authorizing telework in order to:

(1) address a lack of available office space for the agency; or

(2) provide reasonable flexibility that enhances the agency's ability to achieve its mission.

(b) An agreement described by Subsection (a):

(1) must:

(A) be in writing;

(B) include the reasons telework is being authorized;

(C) state the terms under which the agreement may be revoked; and

(D) be renewed at least once each year after the employee begins telework; and

(2) may be revoked by the state agency at any time and without notice.

(c) A state agency may not offer telework as a condition of employment by the agency.

(d) An agreement described by Subsection (a) does not prohibit the employing state agency from requiring an employee to report to the employee's regular or assigned temporary place of employment or another work location on a day on which the agreement otherwise authorizes telework for a meeting, special event, or other engagement for which the agency determines in-person interaction is necessary.

Government Code Sec. 658.012. AGENCY TELEWORK PLAN.

(a) A state agency that authorizes telework under Section 658.011 shall develop a plan that addresses the agency's telework policies and procedures. An agency telework plan must:

(1) establish:

(A) criteria for evaluating the ability of an employee to satisfactorily perform the employee's job duties while teleworking;

(B) performance standards that ensure a teleworking employee maintains satisfactory performance;

(C) a system for monitoring the productivity of a teleworking employee that ensures that the employee's work remains satisfactory and that the employee's duties remain suitable for telework; and

(D) appropriate physical and information security controls at teleworking sites;

(2) ensure that a teleworking employee is subject to the same rules and disciplinary actions as any other agency employee; and

(3) prohibit a teleworking employee from conducting in-person business at the employee's personal residence.

(b) A state agency that develops an agency telework plan under this section shall publish the agency's telework plan on the agency's publicly accessible Internet website.

Commentary by: Kaci Sohrt
Source: HB 5196
Effective Date: September 1, 2025

Applicability: On or after the effective date

Summary of Changes

This statute provides more information as to what must exist in a state agency's telework policy. The administrative head of a state agency may enter into an agreement allowing an employee to telework in order to address a lack of available office space or to provide reasonable flexibility that enhances the agency's ability to achieve its mission. The agreement must be in writing, include reasons telework is authorized, state the terms under which the agreement may be revoked, and be renewed at least annually.

Additionally, the state agency may revoke the agreement at any time and without notice. An agreement does not prohibit the agency from requiring the agency to report to the assigned place of employment or another work location on a day not in the agreement if there is a reason in-person interaction is necessary. State agencies may not offer telework as a condition of employment.

State agencies that authorize telework must develop a plan to address their policies and procedures. The plan must establish criteria for evaluating an employee's ability to satisfactorily perform job duties while teleworking, performance standards to ensure the employee maintains satisfactory performance, a system for monitoring productivity, and appropriate physical and information security controls at teleworking sites. The plan must also ensure the teleworking employee is subject to the same rules and disciplinary actions as other employees and must prohibit a teleworking employee from conducting in-person business at the employee's personal residence. The plan must be published on the agency's public website.

Topic: State Agency Website Modernization

Government Code Chapter 2054. SUBCHAPTER S. MODERNIZATION OF STATE AGENCY INTERNET WEBSITES AND DIGITAL SERVICES

Government Code Sec. 2054.651. STATE AGENCY DIGITAL MODERNIZATION.

Each state agency shall assess the agency's Internet website and online service portals to identify areas for improvement in user accessibility, navigation, and digital service efficiency. In performing the assessment, a state agency shall consider:

(1) strategies to simplify user access to forms, applications, and agency services;

(2) opportunities to reduce or eliminate paperwork requirements if electronic alternatives exist;

(3) enhancements to ensure compliance with accessibility standards under Subchapter M;

(4) using responsive web design to ensure the agency's Internet website is equally accessible using a desktop computer, laptop computer, or mobile device, including a tablet or cellular telephone;

(5) adopting best practices for search functionality, page load speed, and service integration; and

(6) using the department's web page templates and web design guidelines to provide consistency among state agency Internet websites and improve the usability of the website.

Government Code Sec. 2054.652. INTERAGENCY GUIDANCE AND SUPPORT.

(a) In this section, "user-centered design" means a design approach focused on optimizing the user experience by improving Internet website navigation, accessibility, and responsiveness.

(b) The department shall provide guidance and technical assistance for use by state agencies in standardizing agency modernization planning efforts required by Section 2054.651.

(c) The department shall develop and disseminate best practices for user-centered design, digital accessibility, and service integration, including web page templates and web design guidelines that provide a consistent look for state agency Internet websites and simplify user navigation.

(d) The department may establish a working group of state agency technology officers to facilitate information sharing and support consistency across agencies.

Government Code Sec. 2054.653. LEGISLATIVE REPORT.

(a) Not later than November 15, 2026, the department shall submit a report to the legislature detailing the status of the state agency digital modernization planning efforts required by this subchapter and identifying common priorities and challenges.

(b) This section expires January 1, 2027.

Government Code Sec. 2054.654. REVIEW OF DIGITAL MODERNIZATION EFFORTS.

(a) Each state agency, in coordination with the department and the Legislative Budget Board, shall:

(1) biennially review the implementation of the agency's digital modernization efforts under this subchapter, including a review of the:

(A) cost-efficiency of the agency's digital modernization efforts;

(B) effectiveness of digital service upgrades in improving public access; and

(C) agency's compliance with any statewide guidance relating to digital modernization; and

(2) submit the findings of the review described by Subdivision (1) to the department.

(b) Not later than December 1 of each odd-numbered year, the department shall prepare and submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report on the findings submitted under Subsection (a)(2).

(c) This section expires September 1, 2031.

Commentary by: Kaci Sohrt
Source: HB 5195
Effective Date: September 1, 2025
Applicability: On or after the effective date

Summary of Changes

These new statutes require each state agency to assess its website and online service portals to identify areas for improvement in user accessibility, navigation, and digital service efficiency. The agency is to consider: strategies to simplify user access; opportunities to reduce paperwork requirements if electronic alternatives exist; enhancements to ensure accessibility standard compliance; using response web design to ensure accessibility across devices; adopting best practices for search functionality, page load speed, and service integration; and using the DIR webpage templates and web design guidelines to provide consistency among state agency websites and improve the usability of the website.

DIR is required to provide guidance and technical assistance for state agencies to use in standardizing agency modernization planning efforts. DIR is also to develop and disseminate best practices for user-centered design (a design approach focused on optimizing the user experience by improving website navigation, accessibility, and responsiveness), digital accessibility, and service integration, including templates and design guidelines that provide a consistent look for state agency websites and simplify user navigation. DIR is authorized to establish a working group of state agency technology officers to facilitate information sharing and support consistency across agencies. DIR must submit a report to the legislature by November 15, 2026. The report must detail the status of the state agency digital modernization planning efforts and identify common priorities and challenges.

State agencies must, with DIR and the LBB, biennially review the implementation of the agency's modernization efforts. The review must include a review of the: cost-efficiency of the efforts; effectiveness of digital service upgrades in improving public access; and the agency's compliance with any statewide guidance relating to digital modernization. The findings must be submitted to DIR. DIR submits a report to the governor, lieutenant governor, and speaker of the house by December 1 of each odd year, with the first report due December 1, 2027.

Topic: State Agency Purchasing Methods

Government Code Sec. 2156.0013. PROFESSIONAL SERVICES.

This chapter does not apply to a contract for professional services, as that term is defined by Section 2254.002.

Government Code Chapter 2156. SUBCHAPTER E. MULTIPLE AWARD PURCHASING PROCEDURE

Government Code Sec. 2156.201. DEFINITIONS.

In this subchapter:

(1) "Multiple award" means the award of a multiple award contract to more than one vendor by the comptroller or a state agency with the intent to order from the vendors who are awarded the contract all of the solicited goods or services necessary to satisfy the actual solicitation requirements for the contract.

(2) "Multiple award contract" has the meaning assigned by Section 2155.501.

Government Code Sec. 2156.202. USE OF MULTIPLE AWARD PURCHASING PROCEDURE.

(a) The comptroller or a state agency may use the multiple award purchasing procedure described by this subchapter to award a contract to more than one vendor for the purchase of similar goods or services as necessary to ensure adequate delivery, service, or product compatibility.

(b) The comptroller or a state agency shall prepare a written determination stating the comptroller's or agency's reasons for using the multiple award purchasing procedure to purchase the goods or services under a multiple award contract and retain the determination in the multiple award contract file.

Government Code Sec. 2156.203. REQUIRED DISCLOSURE OF INTENT AND CRITERIA IN MULTIPLE AWARD SOLICITATION.

The comptroller or a state agency shall disclose in the solicitation for a multiple award contract the comptroller's or agency's:

(1) intent to use the multiple award purchasing procedure; and

(2) criteria for an award under that procedure.

Government Code Sec. 2156.204. SOLICITATION, EVALUATION, AND AWARD.

(a) The comptroller or a state agency shall solicit, evaluate, and award a multiple award contract in accordance with:

(1) Subchapter A;

(2) Subchapter C; or

(3) the request for offers method prescribed by comptroller rules adopted under Section 2157.006.

(b) Each contractor must provide, or be capable of providing, the best value to the state.

Government Code Sec. 2156.205. ORDERING.

(a) The comptroller or a state agency shall place each order under a multiple award contract in a manner that provides the best value to the state in accordance with standards provided in Chapters 2155, 2156, 2157, and 2158. If necessary to determine the best value to the state, the comptroller or agency may conduct a secondary solicitation competition among the vendors awarded a multiple award contract before placing the order.

(b) The comptroller or a state agency shall document the method used for determining the best value to the state under a multiple award contract and retain the documentation in the contract file.

Commentary by: Kaci Sohrt
Source: HB 4748
Effective Date: September 1, 2025
Applicability: Section 2054.603(e), Government Code, as added by this Act, is intended to clarify rather than change existing law.

Summary of Changes

These changes allow a state agency to award multiple contracts to different vendors for similar goods or services.

Topic: Severance Pay

Local Government Code Sec. 180.011. LIMITATION ON SEVERANCE PAY FOR EMPLOYEES AND INDEPENDENT CONTRACTORS.

(a) In this section:

(1) "Misconduct" means an act or omission by an employee or contractor of a political subdivision in the performance of the employee's or contractor's duties that the governing body of the political subdivision determines to be misconduct. The term includes any finding of criminal conduct.

(2) "Severance pay" means dismissal or separation income paid on termination of:

(A) the employment of an employee that is in addition to the employee's usual earnings from the employer at the time of termination; or

(B) the contract of an independent contractor that is in addition to the contractor's usual compensation from the employer as prescribed by the contract.

(b) This section does not apply to a public or teaching hospital.

(c) A political subdivision that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an employee or independent contractor must include:

(1) a requirement that severance pay that is paid from public money may not exceed the amount of compensation, at the rate at the termination of employment or the contract, the employee or independent contractor would have been paid for 20 weeks, excluding paid time off or accrued vacation leave; and

(2) a prohibition of the provision of severance pay when the employee or independent contractor is terminated for misconduct.

(d) A political subdivision shall post each severance agreement in a prominent place on the political subdivision's Internet website.

(e) This subsection applies to an action brought against a political subdivision by an employee or independent contractor of the political subdivision arising from the termination of the person's employment or contract. A court may not issue a writ of execution or mandamus in connection with a judgment in the action if the judgment does not comply with this section.

Commentary by: Kaci Sohrt
Source: HB 762
Effective Date: September 1, 2025
Applicability: Applies only to a contract entered into or an action filed on or after the effective date.

Summary of Changes

This new statute requires political subdivisions that enter into an employment agreement or contract that includes a provision for severance pay must include in the agreement or contract a requirement that severance pay from public money may not exceed 20 weeks of compensation at the person's rate at the time of separation, excluding paid time off or accrued vacation leave, and a prohibition on providing severance pay if the termination is for misconduct. Misconduct is defined as any ac or omission in the performance of duties that the political subdivision determines to be misconduct and includes any finding of criminal conduct. All severance agreements must be prominently posed on the political subdivision's website.

Topic: Regulatory Reform and Efficiency Act

GOVERNMENT CODE CHAPTER 465. REGULATORY AND RULEMAKING EFFICIENCY

GOVERNMENT CODE SUBCHAPTER A. GENERAL PROVISIONS

Government Code Sec. 465.0001. DEFINITIONS.

(a) The definitions in Chapter 2001 apply to this chapter.

(b) In this chapter:

(1) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(2) "Office" means the Texas Regulatory Efficiency Office.

(3) "Panel" means the Texas Regulatory Efficiency Advisory Panel.

GOVERNMENT CODE CHAPTER 465. SUBCHAPTER B. TEXAS REGULATORY EFFICIENCY OFFICE

Government Code Sec. 465.0051. ESTABLISHMENT OF OFFICE.

The Texas Regulatory Efficiency Office is established as an office within the office of the governor.

Government Code Sec. 465.0052. PURPOSES OF OFFICE.

(a) The office is established to:

(1) identify and expand opportunities for implementing efficiencies in:

(A) the process by which state agencies adopt rules;

(B) the regulatory review process; and

(C) the processes by which contested cases are conducted;

(2) assist state agencies in identifying:

(A) unnecessary and ineffective rules;

(B) the effect and cost to this state and regulated persons of the agencies' rules and proposed rules; and

(C) opportunities to repeal or amend rules to provide effective protection to the public with the least cost and inconvenience to regulated persons;

(3) coordinate with the secretary of state, the Department of Information Resources, and other state agencies in the secretary of state's efforts under Section 2001.007 to:

(A) improve public access to information regarding state agency rules, forms, and filings; and

(B) create an interactive Internet website for use by the public to search and obtain information regarding rules, forms, and filings applicable to specific regulated occupations, industries, professions, and activities;

(4) coordinate with state agencies to reduce rules or other regulatory requirements, including by:

(A) eliminating unnecessary or ineffective rules or other regulatory requirements; and

(B) reducing the inefficiencies resulting from rules or other regulatory requirements adopted by the agency by:

(i) reducing required training hours while protecting the health and safety of the residents of this state;

(ii) reducing the number of forms a regulated person is required to complete;

(iii) reducing the amount of information required by forms that a regulated person is required to complete;

(iv) reducing the amount of or eliminating fees imposed by the rules;

(v) reducing the number of activities covered by the rules; or

(vi) creating waivers for or exemptions from the rules under certain circumstances; and

(5) prepare and publish written manuals, guides, or other publications as required by this chapter.

(b) The office shall coordinate with the panel, state agencies, and the governor's office, as applicable, to accomplish the purposes of the office.

(c) Notwithstanding any other provision of this section, the office may not recommend the repeal of a rule the purpose of which is to inform members of the public about the rulemaking process or facilitate participation in that process by members of the public.

Government Code Sec. 465.0053. REGULATORY ECONOMIC ANALYSIS MANUAL.

(a) The office shall prepare and publish a regulatory economic analysis manual.

(b) The manual required by Subsection (a) must identify and describe best practices for state agencies related to:

(1) preparing a local employment impact statement under Section 2001.022;

(2) conducting a regulatory analysis under Section 2001.0225;

(3) preparing a fiscal note under Section 2001.024;

(4) preparing a note regarding public benefits and costs under Section 2001.024; and

(5) preparing an economic impact statement under Section 2006.002.

(c) The office shall ensure that the manual required by Subsection (a) is written in plain language that may be easily understood by the public.

Government Code Sec. 465.0054. REGULATORY REDUCTION GUIDE.

(a) The office shall prepare and publish a regulatory reduction guide.

(b) The purpose of the guide required by Subsection (a) is to assist each state agency to:

(1) reduce rules and other regulatory requirements under Section 465.0052(a)(4); and

(2) document the agency's results under Subdivision (1).

(c) The office shall ensure that the guide required by Subsection (a) is written in plain language that may be easily understood by the public.

Government Code Sec. 465.0055. RULEMAKING AND REGULATORY EFFICIENCY FORUM.

The office may establish, as needed, a forum for interested persons described by Section 2001.021(d) to assist the office and the panel to accomplish the purposes of the office and panel.

GOVERNMENT CODE CHAPTER 465. SUBCHAPTER C. TEXAS REGULATORY EFFICIENCY ADVISORY PANEL.

Government Code Sec. 465.0101. ESTABLISHMENT OF ADVISORY PANEL.

The office may establish, as needed, the Texas Regulatory Efficiency Advisory Panel to serve as an advisory panel to the governor's office, including the office established under this chapter.

Government Code Sec. 465.0102. ADMINISTRATIVE SUPPORT.

The office established under this chapter shall provide staff, facilities, and other administrative support necessary to assist the panel in performing the panel's duties under this chapter.

Government Code Sec. 465.0103. COMPOSITION OF PANEL.

In designating individuals to serve on the panel, the governor may give priority to individuals with expertise in state agency rules and the rulemaking process, including expertise in regulatory research, compliance, cost, and impact analysis, and related law and procedure.

Government Code Sec. 465.0104. REIMBURSEMENT FOR EXPENSES.

Members of the panel serve without compensation but may, at the discretion of the office, be reimbursed for actual and necessary expenses incurred in performing official duties under this chapter.

Government Code Sec. 465.0105. PRESIDING OFFICER.

The governor may designate one member of the panel to serve as the panel's presiding officer.

Government Code Sec. 465.0106. MEETINGS.

The panel shall meet at the call of the panel's presiding officer.

Government Code Sec. 465.0107. PURPOSES OF PANEL.

The panel is established to:

(1) use the knowledge and expertise of regulated persons, small and large businesses, institutions of higher education, and state agencies to identify and expand opportunities for implementing efficiencies in:

(A) the process by which state agencies adopt rules;

(B) the regulatory review process; and

(C) the processes by which contested cases are conducted; and

(2) assist the office and state agencies in identifying:

(A) unnecessary and ineffective rules;

(B) the effect and cost to this state and regulated persons of the agencies' rules and proposed rules; and

(C) opportunities to repeal or amend rules to provide effective protection to the public with the least cost and inconvenience to regulated persons.

Government Code Sec. 465.0108. APPLICATION OF OTHER LAW.

Chapter 2110 does not apply to the panel.

GOVERNMENT CODE CHAPTER 465. SUBCHAPTER D. REPORTING REQUIREMENT

Government Code Sec. 465.0151. BIENNIAL REPORT.

(a) Not later than December 1 of each even-numbered year, the office shall prepare and submit to the governor, lieutenant governor, speaker of the house of representatives, and Legislative Budget Board a written report that describes:

(1) the activities undertaken by the office during the two-year period preceding the date of

the report to accomplish the purposes of the office; and

(2) any legislative recommendations of the office to accomplish and further the activities described by Subdivision (1).

(b) The panel may assist the office in preparing the report required by Subsection (a).

(c) The office shall post the biennial report on a publicly accessible Internet website in an easily identifiable and accessible location.

Government Code Sec. 2001.007. CERTAIN EXPLANATORY INFORMATION MADE AVAILABLE THROUGH INTERNET.

(a) A state agency shall make available through a generally accessible Internet site:

(1) the text of its rules; and

(2) any material, such as a letter, opinion, or compliance manual, that explains or interprets one or more of its rules and that the agency has issued for general distribution to persons affected by one or more of its rules.

(b) A state agency shall design the generally accessible Internet site so that a member of the public may send questions about the agency's rules to the agency electronically and receive responses to the questions from the agency electronically. If the agency's rules and the agency's explanatory and interpretive materials are made available at different Internet sites, both sites shall be designed in compliance with this subsection.

(d) A state agency may comply with this section through the actions of another agency, such as the secretary of state, on the agency's behalf.

(e) The secretary of state, Department of Information Resources, and Texas Regulatory Efficiency Office shall jointly coordinate with each other state agency to establish an Internet website that allows a person to search the rules and related information made available by state agencies under Subsection (a) by:

(1) the general topic of the rule;

(2) the type of activity or business regulated by the rule; and

(3) if applicable, the North American Industry Classification System (NAICS) sector code for the type of activity or business regulated by the rule.

Government Code Sec. 2001.022. LOCAL EMPOYMENT IMPACT STATEMENTS.

(a) A state agency shall determine whether a rule may affect a local economy before proposing the rule for adoption. If a state agency determines that a proposed rule may affect a local economy, the agency shall prepare a local employment impact statement for the proposed rule. The impact statement must describe in detail the probable effect of the rule on employment in each geographic area affected by the rule for each year of the first five years that the rule will be in effect and may include other factors at the agency's discretion.

(b) This section does not apply to the adoption of an emergency rule.

[~~(c) Failure to comply with this section does not impair the legal effect of a rule adopted under this chapter.~~]

Government Code Sec. 2001.0221. GOVERNMENT GROWTH IMPACT STATEMENTS.

(a) A state agency shall prepare a government growth impact statement for a proposed rule.

(b) A state agency shall reasonably describe in the government growth impact statement whether, during the first five years that the rule would be in effect:

(1) the proposed rule creates or eliminates a government program;

(2) implementation of the proposed rule requires the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule requires an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule requires an increase or decrease in fees paid to the agency;

(5) the proposed rule creates a new regulation;

(6) the proposed rule expands, limits, or repeals an existing regulation;

(7) the proposed rule increases or decreases the number of individuals subject to the rule's applicability; and

(8) the proposed rule positively or adversely affects this state's economy.

(c) The comptroller shall adopt rules to implement this section. The rules must require that the government growth impact statement be in plain language. The comptroller may prescribe a chart that a state agency may use to disclose the items required under Subsection (b).

(d) Each state agency shall incorporate the impact statement into the notice required by Section 2001.024.

[~~(e) Failure to comply with this section does not impair the legal effect of a rule adopted under this chapter.~~]

Government Code Sec. 2001.024. CONTENT OF NOTICE.

(a) The notice of a proposed rule must include:

(1) a brief explanation of the proposed rule;

(2) the text of the proposed rule, except any portion omitted under Section 2002.014, prepared in a manner to indicate any words to be added or deleted from the current text and, to the extent practicable, written in plain language;

(3) a statement of the statutory or other authority under which the rule is proposed to be adopted, including:

(A) a concise explanation of the particular statutory or other provisions under which the rule is proposed;

(B) the section or article of the code affected;

(C) if applicable, the bill number for the legislation that enacted the statutory authority under which the rule is proposed to be adopted if the legislation was enacted during the four-year period preceding the date notice of the proposed rule is given; and

(D) a certification that the proposed rule has been reviewed by legal counsel and found to be within the state agency's authority to adopt;

(4) a fiscal note showing the name and title of the officer or employee responsible for preparing or approving the note and stating for each year of the first five years that the rule will be in effect:

(A) the additional estimated cost to the state and to local governments expected as a result of enforcing or administering the rule;

(B) the estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule;

(C) the estimated loss or increase in revenue to the state or to local governments as a result of enforcing or administering the rule; and

(D) if applicable, that enforcing or administering the rule does not have foreseeable implications relating to cost or revenues of the state or local governments;

(5) a note about public benefits and costs showing the name and title of the officer or employee responsible for preparing or approving the note and stating for each year of the first five years that the rule will be in effect:

(A) the public benefits expected as a result of adoption of the proposed rule; and

(B) the probable economic cost to persons required to comply with the rule;

(6) the local employment impact statement prepared under Section 2001.022, if required;

(7) a request for comments on the proposed rule from any interested person; [and]

(8) a request for information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person; and

(9) any other statement required by law.

(b) In the notice of a proposed rule that amends any part of an existing rule:

(1) the text of the entire part of the rule being amended must be set out;

(2) the language to be deleted must be bracketed and stricken through; and

(3) the language to be added must be underlined.

(c) In the notice of a proposed rule that is new or that adds a complete section to an existing rule, the new rule or section must be set out and underlined.

(d) Failure to include in the notice of a proposed rule the bill number for the legislation that enacted the statutory authority under which the rule is proposed to be adopted as required by Subsection (a)(3)(C) does not invalidate a rule adopted by a state agency or an action taken by the agency under that rule.

(e) For purposes of Subsection (a)(2), the text of a proposed rule is written in plain language if the text is written using language the general public, including individuals with limited English proficiency, can readily understand because the language is concise and well-organized.

Government Code Sec. 2001.035. SUBSTANTIAL COMPLIANCE REQUIREMENTS; TIME LIMIT ON PROCEDURAL CHALLENGE.

(a) A rule is voidable unless a state agency adopts it in substantial compliance with Sections 2001.022 [~~2001.0225~~] through 2001.034.

(b) A person must initiate a proceeding to contest a rule on the ground of noncompliance with the procedural requirements of Sections 2001.022 [~~2001.0225~~] through 2001.034 not later than the second anniversary of the effective date of the rule.

(c) A state agency substantially complies with the requirements of Section 2001.033 if the agency's reasoned justification demonstrates in a relatively clear and logical fashion that the rule is a reasonable means to a legitimate objective.

(d) A mere technical defect that does not result in prejudice to a person's rights or privileges is not grounds for invalidation of a rule.

Government Code Sec. 2001.040. SCOPE AND EFFECT OF ORDER INVALIDATING AGENCY RULE.

If a court finds that an agency has not substantially complied with one or more procedural requirements of Sections 2001.022 [~~2001.0225~~] through 2001.034, the court may remand the rule, or a portion of the rule, to the agency and, if it does so remand, shall provide a reasonable time for the agency to either revise or readopt the rule through established procedure. During the remand period, the rule shall remain effective unless the court finds good cause to invalidate the rule or a portion of the rule, effective as of the date of the court's order.

Government Code Sec. 2001.042. JUDICIAL REVIEW OF STATE AGENCY LEGAL DETERMINATION REGARDING LAWS AND RULES.

Notwithstanding any other law, in a judicial proceeding in this state, including an action subject to Section 2001.038, a court is not required to give deference to a state agency's legal determination regarding the construction, validity, or applicability of the law or a rule adopted by the state agency responsible for the rule's administration, implementation, or other enforcement. This section does not prohibit a court from giving consideration to a legal determination made by a state agency that is reasonable and does not conflict with the plain language of the statute.

Government Code Sec. 2001.1721. JUDICIAL REVIEW OF QUESTION OF LAW.

(a) Except as provided by Subsection (b), in any matter brought under this subchapter, the reviewing court shall review all questions of law de novo, including the interpretation of constitutional or statutory provisions or rules adopted by a state agency, without giving deference to any legal determination by a state agency.

(b) Subsection (a) does not prohibit a reviewing court from giving consideration to a legal determination made by a state agency that is reasonable and does not conflict with the plain language of the statute.

(c) Notwithstanding any other law, this section applies in an action for judicial review of a contested case authorized by law and other court actions authorized by law that involve a state agency's legal determination of a constitutional or statutory provision or a rule adopted by the state agency.

(d) A law may not exempt an action from the application of this section except by specific reference to this section.

Commentary by: Kaci Sohrt
Source: SB 14
Effective Date: September 1, 2025

Applicability: Sections 2001.024, 2001.035, and 2001.040, Government Code, as amended by this Act, and the repeal by this Act of Sections 2001.022(c) and 2001.0221(e), Government Code, apply only to a rule proposed by a state agency on or after the effective date of this Act. A rule proposed before the effective date of this Act is governed by the law in effect on the date the rule was proposed, and the former law is continued in effect for that purpose. Sections 2001.042 and 2001.1721, Government Code, as added by this Act, apply only to a petition for judicial review, action for declaratory judgment, contested case, or other proceeding initiated on or after the effective date of this Act. A petition for judicial review, action for declaratory judgment, contested case, or other proceeding initiated before the effective date of this Act is governed by the law in effect on the date the proceeding was initiated, and the former law is continued in effect for that purpose. The office of the governor, the Department of Information Resources, the Texas Regulatory Efficiency Office, and the secretary of state are required to implement the changes in law made by Chapter 465, Government Code, and Section 2001.007(e), Government Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the office of the governor, the Department of Information Resources, the Texas Regulatory Efficiency Office, and the secretary of state may, but are not required to, implement those changes in law using other appropriations available for that purpose.

Summary of Changes

This bill creates a regulatory and rulemaking efficiency office in the office of the governor. The stated purpose of the office is to: 1) identify and expand opportunities for implementing efficiencies in state agency rule-making processes, state-agency regulatory review processes, and contested case processes; 2) assist state agencies in identifying unnecessary and ineffective rules, the effect and cost of rules and proposed rules, and opportunities to repeal or amend rules to provide the least cost and inconvenience to regulate persons while still effectively protecting the public; 3) improve public access to information about state agency rules, forms and filings and create an interactive website for the public to find them; 4) reduce rules and regulations by eliminating unnecessary or ineffective rules, reducing training hours, reducing forms, reducing the information that needs to be on the form, reducing or eliminating fees, reducing the activities covered by rules, and creating waivers or exemptions from rule; and 5) prepare and publish written manuals, guides, or other publications required by the new statute.

The office is required to prepare a regulatory economic manual to identify and describe best practices for state agencies for certain actions. It shall prepare a regulatory reduction guide to assist agencies in reducing their rules and regulatory requirements. It may establish a rulemaking and regulatory efficiency forum and a regulatory efficiency advisory panel.

This bill also changes existing laws related to state agency rulemaking. The notice of proposed rule must be written in plain language, to the extent practicable, which is defined as being "written using language the general public, including individuals with limited English proficiency, can readily understand because the language is concise and well-organized." The notice must now include a request for information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the rule or any other interested person.

Current law provides that a failure to comply with the requirements of 2001.022 and 2001.0221, Government Code, related to local employment impact statements and government growth impact statements, does not impair the legal effect of a rule. Under these changes, failure to comply with these provisions may result in a rule being voidable.

New Sections 2001.042 and 2001.1721, Government Code, provide that a court is not required to give deference to a state agency's legal determination regarding the constructions, validity, or applicability of the laws or rules that a state agency is responsible for administering, implementing, or enforcing, that a court's review of a question of law in a judicial review of a contested case matter is de novo, and that the court is not prohibited from giving consideration to a state agency's legal determination that is "reasonable and does not conflict with the plain language of the statute."

Topic: Sunset Commission and Efficiency Audits

Government Code Sec. 325.002. DEFINITIONS.

(4) "Regulatory agency" means a department, commission, board, or other agency that:

(A) is created by the constitution or by statute;

(B) is in the executive branch of state government;

(C) has statewide authority; and

(D) has authority to deny, grant, renew, revoke, or suspend a license, certification, or other authorization to engage in an activity.

Government Code Sec. 325.008. COMMISSION DUTIES.

(a) Before January 1 of the year in which a state agency subject to this chapter and its advisory committees are abolished, the commission shall:

(1) review and take action necessary to verify the reports submitted by the agency under Section 325.007;

(2) consult the Legislative Budget Board, the Governor's Budget, Policy, and Planning Division, the State Auditor, and the comptroller of public accounts, or their successors, on the application to the agency of the criteria provided in Section 325.011;

(3) conduct a review of the agency based on the criteria provided in Section 325.011 and prepare a written report; and

(4) review the implementation of commission recommendations contained in the reports presented to the legislature during the preceding legislative session and the resulting legislation.

(b) The written report prepared by the commission under Subsection (a)(3) is a public record.

(c) Work performed under this section by the state auditor is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

(d) The commission shall provide information on how the public may participate in the commission's review of a state agency and provide input on a state agency's performance. The commission shall, to the extent practicable, solicit input from parties interested in a state agency's operations.

(e) Each state agency being reviewed by the commission under this chapter shall at the beginning of the review:

(1) post a notice on the state agency's Internet website informing the public:

(A) that the state agency is being reviewed by the commission; and

(B) how the public may participate in the commission's review of the state agency and provide input on the state agency's performance; and

(2) to the extent practicable, if the state agency being reviewed is a regulatory agency:

(A) notify each person licensed, certified, or otherwise authorized by the regulatory agency to engage in an activity regulated by the agency of a public hearing under Section 325.009 at which the agency will be reviewed; and

(B) solicit input from persons provided notice under Paragraph (A) regarding the regulatory agency's performance.

(f) Subsection (e)(2) does not apply to a river authority subject to review under this chapter.

Government Code Sec. 325.010. COMMISSION REPORT.

(b) In the report the commission shall include:

(1) its findings regarding the criteria prescribed by Section 325.011, except Section 325.011(14);

(2) its recommendations based on the matters prescribed by Section 325.012, except recommendations relating to criteria prescribed by Section 325.011(14); [~~and~~]

(3) if the agency being reviewed is a regulatory agency, an analysis of the regulatory agency's performance during the preceding 10 years or since the last review of the agency under this chapter, whichever is longer, based on the agency's performance measures and related targets, including those listed in the General Appropriations Act;

(4) an evaluation of the agency's performance measures and related targets, including whether the targets are:

(A) aligned with the mission, goals, and objectives of the agency; and

(B) appropriate for assessing the agency's achievement of the goals listed; and

(5) other information the commission considers necessary for a complete review of the agency.

Government Code Sec. 325.012. RECOMMENDATIONS.

(a) In its report on a state agency, the commission shall:

(1) make recommendations on the abolition, continuation, or reorganization of each affected state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees;

(2) make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review;

(3) make recommendations to improve the operations of the agency, its policy body, and its advisory committees, including management recommendations that do not require a change in the agency's enabling statute; [~~and~~]

(4) make recommendations on the continuation or abolition of each reporting requirement imposed on the agency by law; and

(5) after consulting the Legislative Budget Board, make recommendations to improve the agency's key performance measures through the addition, amendment, or removal of the performance measures and related targets, including those listed in the General Appropriations Act.

Government Code Sec. 325.016. LIMITED REVIEW OF CERTAIN REGULATORY AGENCIES.

(a) In the commission's recommendations to the legislature under Section 325.012, the commission may recommend that a limited review of a regulatory agency be conducted prior to the regulatory agency's next sunset review.

(b) If the commission's recommendations to the legislature under Section 325.012 include any identified deficiencies or recommendations for improvement in the regulatory agency's rulemaking process, the commission shall recommend that a limited review of a regulatory agency be conducted prior to the next sunset review.

(c) For the commission's recommendation for a limited review to take effect, the legislature must include the recommendation in its legislation for the regulatory agency under Section 325.012(c). Such review shall be limited to:

(1) an assessment of the regulatory agency's rulemaking process and the extent to which the regulatory agency has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules that benefit the public;

(2) the extent to which the regulatory agency adopts and enforces rules relating to potential conflicts of interest of its employees;

(3) an assessment of the regulatory agency's efforts to identify rules that are unnecessary, ineffective, or inefficient;

(4) any commission recommendations under Section 325.012(a)(3) that the legislature adopted in the legislation for the regulatory agency under Section 325.012(c); and

(5) any additional rulemaking-related recommendations adopted by the legislature and included in the legislation for the regulatory agency under Section 325.012(c).

(d) The regulatory agency shall report to the commission its progress on addressing the items described in Subsection (c) not later than September 1 of the odd-numbered year specified by the legislature in its legislation for the regulatory agency under Section 325.012(c).

(e) Not later than January 1 of the odd-numbered year after the date the regulatory agency report is due under Subsection (d), the commission shall prepare a written report on the commission's review under this section.

(f) The report prepared by the commission under this section is a public record.

GOVERNMENT CODE CHAPTER 327. EFFICIENCY AUDITS OF STATE AGENCIES

Government Code Sec. 327.001. DEFINITIONS.

In this chapter:

(1) "Audit plan" has the meaning assigned by Section 321.001.

(2) "Commission" means the Sunset Advisory Commission.

(3) "Efficiency audit" means an evaluation of the economy, efficiency, and effectiveness of state agency operations, including:

(A) determining whether the state agency is managing or using its resources, including state money, personnel, property, equipment, and space, in an economical and efficient manner;

(B) identifying causes of inefficiencies or uneconomical practices, including inadequacies in management information systems, internal and administrative procedures, organizational structure, use of resources, allocation of personnel, purchasing, agency policies, and equipment;

(C) determining whether financial, program, and statistical reports of the state agency contain useful data and are fairly presented;

(D) determining whether the objectives and intended benefits of the agency's program are being achieved efficiently and effectively, according to:

(i) established or designated:

(a) program objectives;

(b) responsibilities or duties;

(c) program performance criteria; or

(d) program evaluation standards; or

(ii) statutes and rules; and

(E) determining whether the agency's program duplicates, overlaps, or conflicts with another state program.

(4) "External auditor" means a private entity selected by the state auditor to conduct an efficiency audit of a state agency.

(5) "Legislative audit committee" means the committee described by Section 321.002.

(6) "State agency" means an entity expressly made subject to Chapter 325 (Texas Sunset Act) other than an entity listed in Section 325.025(b).

Government Code Sec. 327.002. REQUIRED EFFICIENCY AUDIT.

(a) Each state agency shall undergo an efficiency audit in accordance with this chapter.

(b) The state auditor, subject to the legislative audit committee's approval, shall adopt a schedule for conducting the efficiency audits required by this chapter and include the annual portion of the schedule in the audit plan under Section 321.013. The schedule must provide for each state agency to be audited during the two-year period beginning on September 1 four years before the date the state agency is scheduled to be abolished under Chapter 325 (Texas Sunset Act).

(c) A state agency required by law to perform an internal efficiency audit is not required to perform the audit in any year the state agency is audited under this chapter.

(d) A state agency shall pay the costs incurred by the state auditor relating to an efficiency audit required by this chapter. The state auditor shall determine the costs of the audit and the state agency shall pay the amount of those costs promptly on receipt of a statement from the state auditor regarding those costs.

(e) The state auditor, subject to the legislative audit committee's approval, may determine, in the interests of efficiency, whether the audit should be performed by the state auditor or an external auditor.

Government Code Sec. 327.003. SELECTION AND SUPERVISION OF AUDITOR.

(a) Not later than March 1 of the year in which an efficiency audit of a state agency is scheduled under this chapter, the state auditor may contract with an external auditor to conduct the audit.

(b) The state auditor, in cooperation with the Legislative Budget Board, shall oversee the external auditor and ensure that the efficiency audit is conducted in accordance with the requirements

of this chapter and the scope of the audit established under this chapter.

(c) The external auditor is not subject to direction from the state agency being audited.

Government Code Sec. 327.004. SCOPE OF AUDIT.

(a) The state auditor, in cooperation with the Legislative Budget Board, shall establish the scope of each efficiency audit conducted under this chapter.

(b) At a minimum, an efficiency audit must:

(1) examine state resources, including financial resources, staff, personal property, real property, and technology, to determine whether those resources:

(A) are used effectively and efficiently to achieve the desired outcome for a state agency's program beneficiaries; and

(B) are used for purposes other than the intended goals of the audited programs;

(2) identify and make recommendations for cost savings and reallocation of resources to improve the effectiveness of audited programs; and

(3) identify opportunities for improving services through consolidation of functions, outsourcing, and elimination of duplicative efforts.

Government Code Sec. 327.005. REPORT TO LEGISLATURE.

(a) Not later than November 1 of the year an efficiency audit is conducted under this chapter, the state auditor, in cooperation with the Legislative Budget Board and in consultation with any external auditor contracted to perform the audit, shall:

(1) prepare a report of the audit with the recommendations; and

(2) submit the report, recommendations, and complete audit to the commission, the governor, the lieutenant governor, the speaker of the house of representatives, the legislative audit committee, the chairs of the standing committees of each house of the legislature with primary jurisdiction over the audited state agency, and the audited state agency.

(b) The state auditor and the audited state agency shall publish the report, recommendations, and complete efficiency audit on the entity's Internet website.

Government Code Sec. 327.006. REQUIRED IMPLEMENTATION PLAN.

Not later than the 90th day after the date of receiving the complete audit and recommendations, the administrative head of the audited state agency shall deliver a plan for implementing the recommendations to the commission, the governor, the lieutenant governor, the speaker of the house of representatives, the legislative audit committee, and the chairs of the standing committees of each house of the legislature with primary jurisdiction over the audited state agency. The implementation plan must include a reasoned justification for any recommendation the audited state agency declines to implement.

Commentary by: Kaci Sohrt
Source: HB 12
Effective Date: September 1, 2025
Applicability: Not later than January 1, 2026, the state auditor shall adopt the schedule required by Section 327.002, Government Code, as added by this Act, for conducting efficiency audits of each state agency subject to that section.

Summary of Changes

This bill makes changes to the Sunset Commission statutes, to include giving it the responsibility to conduct efficiency audits of state agencies. As part of its review, the Sunset Commission must now provide information on how the public may participate in the review and provide input on a state agency's performance. The commission is to solicit input from parties interested in an agency's operations. The agency must post a notice on its website informing the public that it is being reviewed and how the public may participate.

If the agency is a regulatory agency, the agency must, to the extent practicable, notify each person licensed by the agency and solicit their input. A regulatory agency is an executive branch state agency created by the Texas constitution or by statute that has statewide authority and authority to deny, grant, renew, revoke, or suspend a license, certification, or other authorization to engage in an activity.

In addition to its Sunset reviews, each state agency is now required to undergo, and pay for, an efficiency audit by the state auditor, although the state auditor may decide that, in the interests of efficiency, an external auditor should conduct the audit. At a minimum, the audit is to: 1) examine state resources to determine if they are used effectively and efficiently to achieve the desired outcome for program beneficiaries and if they are used for purposes other than the intended goals of the audited programs; 2) identify and make recommendations for cost savings and reallocation of resources to improve effectiveness; and 3) identify opportunities for improving services through consolidation of functions, outsourcing, and elimination of duplicative efforts.

The state auditor must adopt a schedule for each agency to be audited beginning on September 1 four years before the agency's Sunset date. The schedule is subject to the approval of the legislative audit commit. An agency that is required to undergo an internal efficiency audit is not required to do so in a year the agency is undergoing this efficiency audit. The auditor will prepare a report and submit it to the Sunset Commission, governor, lieutenant governor, speaker of the house of representatives, legislative audit committee, chairs of each standing committee with jurisdiction over the agency, and the agency itself. The head of the state agency must, within 90 days, deliver a plan for implementing the recommendations. It must include a reasoned justification for any recommendation the agency declines to implement.