

STATE BAR SECTION REPORT JUVENILE LAW



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Foreword

This is the 18th publication of the Juvenile Law Section post-legislative newsletter, which has been published every two years since 1993. However, this is the very first time there has been a supplemental newsletter specifically for legislative changes made during a special session. There were two called special sessions in 2025, the second of which resulted in the passage of bills impacting juvenile justice. Some of the bills directly impact only juvenile justice whereas others are necessary for practitioners to be aware of because they may have an impact.

One of the direct changes to juvenile justice is a statute providing that warrants and the affidavits used to secure them in juvenile court are confidential. Another direct change is that juvenile boards are required to implement policies to divert children who live in group residential homes (via DFPS or HHSC) from referral to a prosecutor, particularly when the child is alleged to have engaged in physical violence against another person that is classified as a misdemeanor. To comply with this, alternative referral plans will be necessary, as misdemeanor violence against a person by statute must be referred to the prosecutor absent an alternative referral plan. Additionally, juvenile boards must track these cases in order to demonstrate their diversion policies work.

Several changes were made to juvenile board legislation. Certain counties have been authorized to create criminal associate judges, to whom juvenile matters may be referred. Harassment has been modified to include special provisions with the victim is a court employee or a judge. An affirmative defense has been created for victims of trafficking and compelling prostitution. What is required on a certified copy of a court order has been added to statute. Additionally, legislation has been passed to require state agencies and political subdivisions that provide private areas for multiple people to designate them for use based on biological sex.

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.

Finally, please mark your calendars for the 39th Annual Juvenile Law Conference in Georgetown, March 1-4, 2026. Registration will be open soon at www.juvenilelawconference.com.

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Title 3, Family Code

Topic: Diversion

Family Code Sec. 53.01.

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

- (1) ~~[the child is younger than 12 years of age;~~
- ~~[(2)]~~ there is probable cause to believe the child engaged in delinquent conduct or conduct indicating a need for supervision;
- (2) ~~[(3)]~~ the child's case does not require referral to the prosecuting attorney under Subsection (d) or (f);
- (3) ~~[(4)]~~ the child is eligible for deferred prosecution under Section 53.03; and
- (4) ~~[(5)]~~ the child:

(A) is younger than 12 years of age, and the child and the child's family are not currently receiving services under Section 53.011 and would benefit from receiving the services; or

(B) resides in a general residential operation, as that term is defined by Section 42.002, Human Resources Code.

Human Resources Code Sec. 152.00145. DIVERSION AND DETENTION POLICY FOR CERTAIN JUVENILES.

(a) In this section, "general residential operation" has the meaning assigned by Section 42.002.

(b) A juvenile board shall establish policies that prioritize:

(1) the diversion from referral to a prosecuting attorney under Chapter 53, Family Code, of children who are:

(A) younger than 12 years of age [from referral to a prosecuting attorney under Chapter 53, Family Code]; or

(B) residing in a general residential operation, particularly children alleged to have engaged in

conduct constituting a misdemeanor involving violence to a person; and

(2) the limitation of detention, to circumstances of last resort, of children who are:

(A) younger than 12 years of age; or

(B) residing in a general residential operation [to circumstances of last resort].

(c) To monitor the success of policies implemented under Subsection (b) for children who reside in general residential operations, a juvenile board shall track:

(1) the number of children referred to the board who reside in a general residential operation;

(2) the number of children described by Subdivision (1) who receive deferred prosecution or are referred to the juvenile probation department; and

(3) the general residential operation where a child described by Subdivision (1) resides.

Commentary by: Kaci Sohrt

Source: HB 16

Effective Date: December 4, 2025

Applicability: Applies only to conduct that occurs on or after the effective date. For purposes of this section, conduct occurred before the effective date if any element of the conduct occurred before that date.

Summary of Changes

Current law requires each juvenile board to establish policies to divert a child under 12 from referral to the prosecutor and to limit detention of such juveniles to circumstances of last resort. Additionally, the person conducting the intake investigation under 53.01 is supposed to, when appropriate, refer the case to a CRCG, a local-level interagency staffing group, or another community juvenile service provider if the child is eligible for deferred prosecution, the child and family are not currently receiving services under 53.011 and would benefit from doing so, and the case is not required to be referred to a prosecutor under 53.01(d) or (f).

Section 53.01(d) provides that, unless there is an alternate referral plan, an allegation that the child engaged in felony delinquent conduct. conduct

constituting a misdemeanor offense involving violence to a person or the use or possession of a firearm, location-restricted knife, club, or prohibited weapon, shall promptly be forwarded to the prosecutor. Section 53.01(f) provides that an alternate referral plan must include forwarding a case of murder or capital murder to the prosecutor.

This changes that law to include similar provisions for juveniles who reside in a general residential operation, as defined in Section 42.002, Human Resources Code. The definition is “a child-care facility that provides care for seven or more children for 24 hours a day, including facilities known as residential treatment centers and emergency shelters. These are child-care facilities that are not regulated by TJJD as they are not juvenile justice facilities.

The person conducting the intake investigation is supposed to refer, as appropriate, a juvenile who resides in a general residential operation to a CRCG, local-level interagency staffing group, or another community juvenile service provide if the child is eligible for deferred prosecution and the case does not require referral to the prosecuting attorney under Subsection (d) or (f). The provision about the child and family not already receiving services under 53.011 has been removed for both this group and the children under 12.

The juvenile board is required to establish policies to divert a child who lives in a general residential operation from referral to the prosecutor and to limit detention to circumstances of last resort. The policies are supposed to particularly address juveniles who have engaged in misdemeanor conduct involving violence to a person. Because misdemeanor conduct involving violence to a person is required to be referred to the prosecutor unless there is an alternate referral plan saying it does not have to be, the only way to implement this law as written is to adopt an alternate referral plan that allows for the diversion of these cases.

In addition to adopting policies and an alternate referral plan, the juvenile board is required to track certain data in order to monitor the success of its policies for children who reside in general residential operations. The data required to be tracked is: (1) the number of children referred to the board who reside in a general residential operation; (2) the number of children described

in (1) who receive deferred prosecution or are referred to the juvenile probation department; and (3) the general residential operation where a child described by (1) resides.

Given that there is no such thing as a referral to a juvenile board as it is actually a referral to juvenile court, which is typically handled by the juvenile probation department, the numbers of (1) and (2) are likely the same. In order to implement the intent in a meaningful way, it is recommended that juvenile probation departments track the number of children living in residential operations who are referred to them and then the disposition of each case, to include whether it was diverted to a CRCG and assigned supervisory caution, resulted in deferred prosecution, or had some other disposition, such as adjudication.

Topic: Warrants

Family Code Sec. 58.010. **CONFIDENTIALITY OF WARRANTS OF ARREST.**

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

(1) the judge, probation officer, and professional staff or consultants of the juvenile court;

(2) a juvenile justice agency, as defined by Section 58.101;

(3) a criminal justice agency, as defined by Section 411.082, Government Code;

(4) an attorney representing the child's parent in a proceeding under this title;

(5) an attorney representing the child;

(6) a prosecuting attorney; or

(7) with permission from the juvenile court, another individual, agency, or institution with a legitimate interest in the information or court.

Commentary by: Kaci Sohrt

Source: HB 16

Effective Date: December 4, 2025

Applicability: On or after the effective date

Summary of Changes

Section 58.010, Family Code, is a new confidentiality provision in Title 3 that applies to arrest warrants. Typically, arrest warrants are not used for juveniles, as juvenile matters are typically handled under civil procedure rules and Title 3. Juvenile courts are authorized to issue directives to apprehend in juvenile cases, which have been in the law since 1995. Directives to apprehend are clearly confidential as they are a record in the juvenile court.

Although a juvenile court is not explicitly authorized to issue an arrest warrant for the detention of a child and is authorized to issue a directive to apprehend, some courts interpret

Section 52.01(a)(2), Family Code, which allows a child to be taken into custody “pursuant to the laws of arrest,” to include arrest warrants issued under Chapter 15, Code of Criminal Procedure. These courts typically have magistrates handle the issuance of arrest warrants. One issue with this process, in addition to the lack of explicit mention in statute, is that arrest warrants and the affidavits upon which they are based are considered public records under Article 15.26, Code of Criminal Procedure. This new statute makes warrants confidential to nearly the same extent as other juvenile records. It bears noting that “prosecuting attorney” is defined in Chapter 51, Family Code, as the juvenile prosecutor.

Juvenile Boards

Topic: Bee, Live Oak, McMullen Counties

Human Resources Code Sec. 152.0191. Bee County.

(a) The juvenile board of Bee County is composed of the county judge, ~~and~~ the district judges in Bee County, and the judge of the 2nd Multicounty Court at Law.

(b) The commissioners court may pay the juvenile board members additional annual compensation in an amount set by the commissioners court for the added duties imposed on the members. The additional compensation may not be lower than the amount paid to the judges on September 1, 1981.

(c) The salary shall be paid in equal monthly installments from the general fund of the county.

(d) Sections [152.0002](#), [152.0004](#), [152.0005](#), [152.0006](#), [152.0007](#), and [152.0008](#) do not apply to the juvenile board of Bee County.

Human Resources Code Sec. 152.1551. Live Oak County.

(a) The juvenile board of Live Oak County is composed of the county judge, ~~and~~ the district judges in Live Oak County, and the judge of the 2nd Multicounty Court at Law.

(b) The commissioners court may pay the juvenile board members additional annual compensation in an amount set by the commissioners court for the added duties imposed on the members. The additional compensation may not be lower than the amount paid to the judges on September 1, 1981.

(c) The additional compensation shall be paid in equal monthly installments from the general fund of the county.

(d) Sections [152.0002](#), [152.0004](#), [152.0005](#), [152.0006](#), [152.0007](#), and [152.0008](#) do not apply to the juvenile board of Live Oak County.

Human Resources Code Sec. 152.1621. McMullen County.

(a) The juvenile board of McMullen County is composed of the county judge, ~~and~~ the district judges in McMullen County, and the judge of the 2nd Multicounty Court at Law.

(b) The commissioners court may pay the juvenile board members additional annual compensation in an amount set by the commissioners court for the added duties imposed on the members. The additional compensation may not be lower than the amount paid to the judges on September 1, 1981.

(c) The additional compensation shall be paid in equal monthly installments from the general fund of the county.

(d) Sections [152.0002](#), [152.0004](#), [152.0005](#), [152.0006](#), [152.0007](#), and [152.0008](#) do not apply to the juvenile board of McMullen County.

Commentary by: Kaci Sohrt

Source: HB 16

Effective Date: December 4, 2025

Applicability: On or after the effective date

Summary of Changes

These changes in law add the judge of the 2nd Multicounty Court at Law to the Bee County, Live Oak County, and McMullen County juvenile boards.

Topic: Comal County

Human Resources Code Sec. 152.0521. Comal County.

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

(1) the county judge;

(2) the local administrative statutory county court judge ~~[of each county court at law in the county];~~

(3) an elected judicial officer of Comal County appointed by the local administrative statutory county court judge;

~~(4) the local administrative district judge [of the 22nd District Court];~~

~~(5) two elected judicial officers of Comal County appointed by the local administrative district judge [(4) the judge of the 207th District Court]; and~~

~~[(5) the judge of the 433rd District Court];~~

~~(6) [the judge of the 274th District Court; and~~

~~(7)] the criminal district attorney of Comal County.~~

(b) The commissioners court may pay the juvenile board members an annual salary in an amount set by the commissioners court as compensation for the additional duties imposed on the members. The compensation shall be paid in equal monthly installments from the general fund or any other available fund of the county.

(c) Sections [152.0002](#), [152.0004](#), [152.0005](#), [152.0006](#), [152.0007](#), and [152.0008](#) do not apply to the juvenile board of Comal County.

Commentary by: Kaci Sohrt

Source: HB 16

Effective Date: December 4, 2025

Applicability: On or after the effective date.

Summary of Changes

The composition of the Comal County Juvenile Board is modified to include the local administrative statutory county court judge and an elected judge appointed by that person as well as the local administrative district judge and two elected judges appointed by that person. The county judge and criminal district attorney remain on the juvenile board.

Topic: Grayson County

Human Resources Code Sec. 152.0971. Grayson County.

(a) The juvenile board of Grayson County is composed of the county judge and the district judges in Grayson County. The county judge may add a judge of a county court at law to the board.

(b) The juvenile court judge is the chairman of the board and its chief administrative officer.

(c) The commissioners court may pay the juvenile board members additional compensation in an amount set by the commissioners court. The additional compensation is for the added duties imposed on the members and shall be paid in equal monthly installments from the general fund or any other available fund of the county.

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

Commentary by: Kaci Sohrt

Source: HB 16

Effective Date: December 4, 2025

Applicability: On or after the effective date.

Summary of Changes

The Grayson County juvenile board statute has been modified to allow the county judge to add a county court at law judge to the juvenile board.

Court Related

Topic: Criminal Associate Judges

Government Code Ch. 54B. **SUBCHAPTER B. CRIMINAL ASSOCIATE** **JUDGES IN COKE, CONCHO, IRION,** **RUNNELS, SCHLEICHER, STERLING,** **AND TOM GREEN COUNTIES**

Gov't Code Sec. 54B.031. APPOINTMENT.

(a) A judge of the 51st, 119th, 340th, or 391st district court may appoint a full-time or part-time criminal associate judge to perform the duties authorized by this subchapter if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position.

(b) If a court has jurisdiction in more than one county, an associate judge appointed by that court may serve only in a county in which the commissioners court has authorized the appointment.

(c) If more than one court in a county is subject to this subchapter, the commissioners court may authorize the appointment of an associate judge for each court or may authorize one or more associate judges to share service with two or more courts.

(d) If an associate judge serves more than one court, the associate judge's appointment must be made as established by local rule, but in no event by less than a vote of two-thirds of the judges under whom the associate judge serves.

Gov't Code Sec. 54B.032. **APPLICABILITY.**

Except as provided by Section 54B.033, Subchapter A, Chapter 54A applies to a criminal associate judge appointed under this subchapter.

Gov't Code Sec. 54B.033. PROCEEDINGS **THAT MAY BE REFERRED.**

(a) A judge may refer to a criminal associate judge any criminal case or matter relating to a criminal case for proceedings involving:

(1) a negotiated plea of guilty or no contest and sentencing before the court;

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

(7) a petition for an order of expunction under Chapter 55A, Code of Criminal Procedure;

(8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilty;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition; and

(14) any other matter the judge considers necessary and proper.

(b) A judge may refer to a criminal associate judge a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A criminal associate judge may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) A criminal associate judge may select a jury. A criminal associate judge may not preside over a criminal trial on the merits, whether or not the trial is before a jury.

(e) A criminal associate judge may not hear a jury trial on the merits of a bond forfeiture.

(f) A judge of a designated juvenile court may refer to a criminal associate judge any proceeding over which a juvenile court has exclusive original jurisdiction under Title 3, Family Code, including any matter ancillary to the proceeding.

Commentary by: Kaci Sohrt

Source: HB 16

Effective Date: December 4, 2025

Applicability:

Summary of Changes

This new statute creates criminal associate judges for Coke, Concho, Irion, Runnels, Schleicher, Sterling, and Tom Green Counties. Although juvenile cases are not criminal, the statute allows a juvenile court to refer proceedings to the criminal associate judge.

Topic: Court-Ordered Mental Health Services

Health and Safety Code Sec. 574.011.

CERTIFICATE OF MEDICAL

EXAMINATION FOR MENTAL ILLNESS.

(Version that passed in special session).

(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~~is~~

~~is~~ likely to cause serious harm to the person or to others or is:

(i) ~~is~~

~~is~~] suffering severe and abnormal mental, emotional, or physical distress;

(ii) ~~is~~ 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) ~~is~~ not able to make a rational and informed decision as to whether to submit to treatment~~is~~ 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)(B) ~~(a)(7)~~ forms the basis for the physician's opinion.

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].~~

(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; or

(2) ~~[and]~~ 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].~~

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.

(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; or

(2) ~~[and]~~ 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].~~

Commentary by: Kaci Sohrt

Source: HB 16

Effective Date: December 4, 2025

Applicability: On or after the effective date

Summary of Changes

During the regular session, SB 1164 changed the statutes regarding the emergency detention of certain people evidencing mental illness, including court-ordered inpatient and extended mental health services. This portion of HB 16, however, removes all those changes and restores the law to what it was before September 1, 2025.

Topic: Certified Copies of Court Records

Gov't Code Sec. 51.3033. CERTIFIED COPIES.

A certified copy made of an original document on file in a district clerk's office must include:

(1) on each page of the copy:

(A) the clerk's signature or initials;

(B) the district court seal; or

(C) a unique document certification and paginated page number; and

(2) on the final page of the copy:

(A) the clerk's attestation certifying that the copy is a true and correct copy of the original document filed in the clerk's office;

(B) the number of pages copied; and

(C) the date the copy was issued.

Gov't Code Sec. 51.503. CERTIFIED COPIES.

A certified copy made of an original document on file in a joint clerk's office must include:

(1) on each page of the copy:

(A) the clerk's signature or initials;

(B) the applicable court's seal; or

(C) a unique document certification and paginated page number; and

(2) on the final page of the copy:

(A) the clerk's attestation certifying that the copy is a true and correct copy of the original document filed in the clerk's office;

(B) the number of pages copied; and

(C) the date the copy was issued.

Local Gov't Code Sec. 191.0041. CERTIFIED COPIES.

A certified copy made of an original document on file in a county clerk's office must include:

(1) on each page of the copy:

(A) either:

(i) the clerk's signature or initials; or

(ii) a unique document certification and paginated page number; and

(B) either:

(i) the commissioners court seal on a copy of a document that is not a court document; or

(ii) the court seal on a copy of a court document; and

(2) on the final page of the copy:

(A) the clerk's attestation certifying that the copy is a true and correct copy of the original document filed in the clerk's office;

(B) the number of pages copied; and

(C) the date the copy was issued.

Commentary by: Kaci Sohrt

Source: HB 16

Effective Date: December 4, 2025

Applicability: On or after the effective date

Summary of Changes

These new statutes specify the requirements for certified copies of court orders.

Offense Related

Topic: Affirmative Defense

Penal Code Sec. 8.09. VICTIM OF TRAFFICKING OR COMPELLING PROSTITUTION.

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

(1) was a victim of an offense under Section 20A.02 or 43.05; and

(2) engaged in the conduct that is the subject of the prosecution as a direct result of being caused, through means of force, fraud, or coercion as described by Subsection (c), to engage in that specific conduct.

(b) Subsection (a) applies only if:

(1) the actor would not have engaged in the conduct that is the subject of the prosecution but for the use of force, fraud, or coercion;

(2) the use of force, fraud, or coercion would have compelled a reasonable person in the actor's circumstances to engage in the conduct;

(3) the actor was not merely afforded an opportunity to engage in the conduct without the use of force, fraud, or coercion; and

(4) the conduct does not constitute an offense listed in Article 42A.054(a), Code of Criminal Procedure, unless the actor is charged only as a party to that offense under Section 7.01.

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

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

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

Commentary by: Kaci Sohrt

Source: SB 11

Effective Date: December 4, 2025

Applicability: Applies to the prosecution of an offense committed on or after the effective date of this Act. For the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Summary of Changes

This new statute creates an affirmative defense for people who were victims of trafficking or compelling prostitution if the person engaged in the conduct as a direct result of being caused to do so through means of force, fraud, or coercion, as defined in the statute.

Topic: Harassment

Penal Code Sec. 42.07. HARASSMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) In this section:

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

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

(B) a communication made to a pager.

(2) "Family" and "household" have the meaning assigned by Chapter [71](#), Family Code.

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

(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:

(1) a Class A misdemeanor if:

(A) ~~(A)~~ the actor has previously been convicted under this section;

(B) ~~(2)~~ the offense was committed under Subsection (a)(7) or (8) and:

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

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

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

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

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

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

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

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

(B) a judge; and

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

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

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

(1) an application for a protective or restraining order against or with respect to the actor has been filed by or on behalf of the person under Subchapter [A](#), Chapter [7B](#), Code of Criminal Procedure, Article [17.292](#), Code of Criminal Procedure, Section [6.504](#), Family Code, or

Subtitle B, Title 4, Family Code, or an order has been issued against or with respect to the actor under one of those provisions; or

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

Commentary by: Kaci Sohrt

Source: HB 16

Effective Date: December 4, 2025

Applicability: Conduct that occurs on or after the effective date

Summary of Changes

These changes create new ways to commit the offense of harassment. It is now a class A misdemeanor to engage in harassment against someone the actor knows is a court employee and a state jail felony if the person has a prior conviction and engaged in the conduct against a court employee. Additionally, it is a state jail felony to engaged in harassment against a judge and a third degree felony if doing so with a prior conviction under this section.

Buildings and Facilities

GOVERNMENT CODE CHAPTER 3002. **REGULATION OF INDIVIDUALS IN** **CERTAIN SPACES AND FACILITIES** **ACCORDING TO SEX**

GOVERNMENT CODE CHAPTER 2003. **SUBCHAPTER A. GENERAL** **PROVISIONS**

Government Code Sec. 3002.001. **DEFINITIONS.**

In this chapter:

(1) "Correctional facility" has the meaning assigned by Section 1.07, Penal Code.

(2) "Family violence shelter" means a family violence nonresidential center or a family violence shelter center, as those terms are defined by Section 51.002, Human Resources Code, that has contracted with the Health and Human Services Commission under Section 51.003, Human Resources Code.

(3) "Female" means an individual who naturally has or will have, or had or would have but for a congenital anomaly or an intentional or unintentional disruption, a reproductive system designed to produce, transport, and provide eggs for fertilization.

(4) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(5) "Male" means an individual who naturally has or will have, or had or would have but for a congenital anomaly or an intentional or unintentional disruption, a reproductive system designed to produce, transport, and utilize sperm for fertilization.

(6) "Multiple-occupancy private space" means a facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy. The term includes a restroom, locker room, changing room, or shower room.

(7) "Political subdivision" means a governmental entity of this state, including a county, municipality, special purpose district or

authority, school district, open-enrollment charter school, or junior college district. The term does not include a state agency.

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

(9) "Single-occupancy private space" means a facility designed or designated for use by only one individual at a time and in which the individual may be in a state of undress. The term includes:

(A) a single toilet restroom with a locking door that is designed or designated as unisex or for use based on sex; and

(B) sleeping quarters designed or designated for use by one individual.

(10) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government that is created by the constitution or a statute of this state, including an institution of higher education.

Government Code Sec. 3002.002. **CONSTRUCTION OF CHAPTER.**

This chapter may not be construed to prevent a litigant from asserting the invalidity or unconstitutionality of a provision or application of this chapter as a defense to liability in an action, claim, or counterclaim brought under this chapter.

GOVERNMENT CODE CHAPTER 3002. **SUBCHAPTER B. DESIGNATION AND** **USE OF CERTAIN SPACES AND** **FACILITIES ACCORDING TO SEX**

Government Code Sec. 3002.051. **DESIGNATION OF MULTIPLE-** **OCCUPANCY PRIVATE SPACES.**

(a) A political subdivision or state agency shall designate each multiple-occupancy private space in a building the political subdivision or state agency owns, operates, or controls for use only by individuals of one sex.

(b) A political subdivision or state agency shall take every reasonable step to ensure an individual

whose sex is opposite to the sex designated for a multiple-occupancy private space under Subsection (a) does not enter the private space.

Government Code Sec. 3002.052.
ACCOMMODATIONS.

(a) Section 3002.051 does not prohibit a political subdivision or state agency from:

(1) adopting a policy necessary to accommodate an individual with a disability, a young child, or an elderly individual who requires assistance when using a multiple-occupancy private space;

(2) establishing a single-occupancy private space, family restroom, or changing room; or

(3) changing the designation of a multiple-occupancy private space from the use designated under Section 3002.051 to exclusive use by individuals of the sex opposite to the previously designated sex.

(b) A political subdivision or state agency is prohibited from providing an accommodation under Subsection (a) that allows an individual to use a multiple-occupancy private space designated for the exclusive use of individuals of the sex opposite to the individual's sex.

Government Code Sec. 3002.053.
EXCEPTIONS.

A designation of a multiple-occupancy private space under Section 3002.051 does not apply to:

(1) an individual entering a multiple-occupancy private space designated for the exclusive use of individuals of the sex opposite to the individual's sex;

(A) for a custodial purpose;

(B) for a maintenance or inspection purpose;

(C) to render medical or other emergency assistance;

(D) to accompany and provide assistance to an individual who needs assistance in using the facility;

(E) for a law enforcement purpose; or

(F) to render assistance necessary in preventing a serious threat to proper order or safety; or

(2) a child who is:

(A) nine years of age or younger entering a multiple-occupancy private space designated for

the exclusive use of individuals of the sex opposite to the child's sex; and

(B) accompanied by an individual caring for the child.

Government Code Sec. 3002.054.
HOUSING OF INMATES ACCORDING TO SEX.

(a) The Texas Department of Criminal Justice shall ensure inmates are housed in a correctional facility, including a dormitory or cellblock of a correctional facility, according to the inmate's sex.

(b) The Texas Board of Criminal Justice shall adopt rules to implement this section, including rules ensuring this section is implemented in compliance with state and federal law.

Government Code Sec. 3002.055.
PROHIBITED SERVICES AT CERTAIN FAMILY VIOLENCE SHELTERS.

A family violence shelter designed specifically to provide services to female victims of family violence may only provide services to:

(1) an individual whose sex is female; and

(2) an individual who is 17 years of age or younger and is the child of an individual described by Subdivision (1) who is receiving services at the shelter.

Government Code Chapter 3002.
SUBCHAPTER C. ENFORCEMENT

Government Code Sec. 3002.101. CIVIL PENALTY.

(a) A political subdivision or state agency that violates this chapter is liable for a civil penalty of:

(1) \$25,000 for the first violation; and

(2) \$125,000 for the second or a subsequent violation.

(b) Each day of a continuing violation of this chapter constitutes a separate violation.

Government Code Sec. 3002.102.
COMPLAINT; NOTICE.

(a) A resident of this state may file a complaint with the attorney general against a political

subdivision or state agency for a violation of this chapter only if:

(1) the resident provides the political subdivision or state agency a written notice describing the violation; and

(2) the political subdivision or state agency does not cure the violation before the end of the third business day after the date the written notice is received.

(b) A complaint filed under this section must include:

(1) a copy of the written notice; and

(2) the resident's sworn statement or affidavit describing the violation and indicating the resident provided the notice required by this section.

Government Code Sec. 3002.103. DUTIES OF ATTORNEY GENERAL: INVESTIGATION AND NOTICE.

(a) Before bringing an action against a political subdivision or state agency for a violation of this chapter, the attorney general shall investigate a complaint filed under Section 3002.102 to determine whether legal action is warranted.

(b) The political subdivision or state agency subject to the complaint shall provide to the attorney general any information the attorney general requests in connection with the complaint, including:

(1) supporting documents related to the complaint; and

(2) a statement on whether the political subdivision or state agency has complied or intends to comply with this chapter.

(c) If the attorney general determines legal action is warranted, the attorney general shall provide to the appropriate officer of the political subdivision or state agency charged with the violation a written notice:

(1) describing the violation and location of the multiple-occupancy private space found to be in violation;

(2) stating the amount of the proposed penalty for the violation; and

(3) requiring the political subdivision or state agency to cure the violation on or before the 15th day after the date the notice is received to avoid

the penalty, unless a court previously found the political subdivision or state agency liable for a violation of this chapter.

Government Code Sec. 3002.104. COLLECTION OF CIVIL PENALTY; MANDAMUS.

(a) If, after receipt of notice under Section 3002.103(c), the political subdivision or state agency has not cured the violation on or before the 15th day after the date the notice is received or was previously found liable by a court for a violation of this chapter, the attorney general may bring an action to collect the civil penalty authorized under Section 3002.101.

(b) In addition to bringing an action under Subsection (a), the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief.

(c) An action under this section may be brought or filed in a district court in the county in which the principal office of the political subdivision or state agency is located.

(d) The attorney general may recover reasonable expenses incurred in obtaining relief under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(e) A civil penalty collected by the attorney general under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure.

(f) Notwithstanding any other law, the Fifteenth Court of Appeals has exclusive jurisdiction over any appeal arising out of a civil action brought under this section.

Government Code Sec. 3002.105. PRIVATE CIVIL CAUSE OF ACTION.

(a) A person affected by a political subdivision's or state agency's violation of this chapter may bring a civil action and is entitled to obtain:

(1) declaratory relief;

(2) injunctive relief; and

(3) court costs, including reasonable attorney's and witness fees.

(b) Notwithstanding any other law, the Fifteenth Court of Appeals has exclusive jurisdiction over

any appeal arising out of a civil action brought under this section.

Government Code Sec. 3002.106.
SOVEREIGN, GOVERNMENTAL, AND
OFFICIAL IMMUNITY.

(a) Notwithstanding any other law except as provided by Subsection (b), this state has sovereign immunity, a political subdivision has governmental immunity, and an officer, employee, or agent of this state or a political subdivision has official immunity in an action, claim, counterclaim, or any type of legal or equitable action that:

(1) challenges the validity of any provision or application of this chapter, on constitutional grounds or otherwise; or

(2) seeks to prevent or enjoin this state, a political subdivision, or an officer, employee, or agent of this state or a political subdivision from:

(A) enforcing any provision or application of this chapter; or

(B) hearing, adjudicating, or docketing an action brought under Section 3002.104 or 3002.105 for a violation of this chapter.

(b) Subsection (a) does not apply if:

(1) immunity has been abrogated or preempted by federal law in a manner consistent with the United States Constitution; or

(2) sovereign immunity of this state and governmental immunity of a political subdivision to suit and from liability have been waived in accordance with this chapter.

Government Code Sec. 3002.107.
APPLICABILITY OF IMMUNITY.

Notwithstanding any other law, the immunities described by Section 3002.106 apply in every state and federal court and in every type of adjudicative proceeding.

Government Code Sec. 3002.108.
WAIVER OF IMMUNITY.

(a) Notwithstanding any other law, a provision of state law may not be construed to waive or abrogate an immunity described by Section 3002.106 unless the provision expressly waives or abrogates the immunity with specific reference to this section.

(b) Notwithstanding any other law, an attorney representing this state, a political subdivision, or an officer, employee, or agent of this state or a political subdivision may not waive an immunity described by Section 3002.106 or take an action that would result in a waiver of that immunity. A purported waiver or action prohibited under this subsection is considered void and an ultra vires act.

Government Code Sec. 3002.109.
JURISDICTION.

(a) Notwithstanding any other law, including Chapter 37, Civil Practice and Remedies Code, and Sections 22.002, 22.221, 24.007, 24.008, 24.009, 24.010, and 24.011 of this code, a court of this state does not have jurisdiction to consider and may not award declaratory or injunctive relief, or any type of writ, including a writ of prohibition, that would:

(1) pronounce any provision or application of this chapter invalid or unconstitutional; or

(2) restrain this state, a political subdivision, an officer, employee, or agent of this state or a political subdivision, or any other person from:

(A) enforcing any provision or application of this chapter; or

(B) hearing, adjudicating, docketing, or filing a civil action brought under this chapter.

(b) Notwithstanding any other law, including Chapter 26, Civil Practice and Remedies Code, and Rule 42, Texas Rules of Civil Procedure, a court may not certify a claimant class or a defendant class in a civil action that seeks relief described by this section.

Civil Practice and Remedies Code
Sec. 30.024. FEE SHIFTING.

(a) Notwithstanding any other law, a person, including an entity, attorney, or law firm, who seeks declaratory or injunctive relief to prevent this state, a political subdivision of this state, a governmental entity, a public official, or any other person in this state from bringing an action to enforce a statute, ordinance, rule, regulation, or other law that regulates access to certain spaces based on an individual's sex in any state or federal court, or who represents a litigant seeking such relief in any state or federal court, is jointly and severally liable to pay the costs and

reasonable attorney's fees of the prevailing party, including the costs and reasonable attorney's fees the prevailing party incurs in the party's efforts to recover costs and fees.

(b) For purposes of this section, a party is considered a prevailing party if a state or federal court:

(1) dismisses any claim or cause of action brought against the party that seeks the declaratory or injunctive relief described by Subsection (a), regardless of the reason for the dismissal; or

(2) enters judgment in the party's favor on any such claim or cause of action.

(c) A prevailing party may recover costs and reasonable attorney's fees under this section only to the extent those costs and attorney's fees were incurred while defending claims or causes of action on which the party prevailed.

Commentary by: Kaci Sohrt

Source: SB 8

Effective Date: December 4, 2025

Applicability: Applies only to a cause of action that accrues on or after the effective date. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions and applications of this Act are declared to be severable.

Summary of Changes

This new statute requires state agencies and political subdivisions to designate each multiple-occupancy private space for use only by individuals of one biological sex. The agency or political subdivision is required to take “every reasonable step” to ensure people do not enter a room not designated for their sex. The entities are not prohibited from adopting policies necessary to accommodate individuals with a disability, young children, or elderly individuals who require assistance. The new law sets the age of a child able to enter the opposite sex room at 9. There is no exception if the parent does not believe the child may safely go into a restroom alone.

A family violence shelter that is designed specifically to provide services to female victims of family violence may only provide services to biological females and to children under 18.

A political subdivision or state agency is subject to civil penalties of \$25,000 to \$125,000, with each day being a separate violation. The statute sets out the complaint process, investigative duties of the attorney general’s office, and collection of penalties. In addition, individuals are authorized to bring a civil action for declaratory relief, injunctive relief, and court costs.