

Instructor Resource Guide



88th Legislative Update

Course ID# 3188

Continuing Education Requirement

Created: August 2023

ABSTRACT

This course was designed to cover the bills passed in the 88th legislative session, which affect most peace officers of the State of Texas. The content in this instructor resource guide lists the state's minimum requirements. Not all bills will be covered in this course, and the bills covered are not done so completely in-depth. This material is a general summary of selected court cases and changes to Texas' statutes that govern the laws enforced along with the administration of law enforcement officers and agencies. Instructors and students must verify all legislative changes and case-law holdings discussed in the instructor resource guide and are responsible for appropriate implementation of these changes. There is no substitute for reading the actual statutes, legislative acts, and court cases. Please consult your local city, county, or district attorney with any questions pertaining to the application of the bills and statutes covered within this resource guide.

Instructor Resource Guide:

This is an Instructor Resource Guide (IRG), not a lesson plan. The purpose of the IRG is to outline the minimum state requirements of what must be taught for a course to be considered compliant and receive TCOLE credit.

- A qualified instructor shall develop the IRG into a lesson plan that meets their organization and student needs.

Please note: It is up to each Training Contractor to create a lesson plan based on the requirements outlined in the IRG for a particular topic.

Lesson Plan:

Each organization is charged with creating their own lesson plan for how the organization will disseminate the information in the IRG.

- The institutions and instructors will determine how much time is spent on each topic/module, how many/what kind of examples or exercises are used during their presentation, and how in-depth they review each topic in the course they present.

Student Prerequisites:

- None

Instructor Prerequisites:

- Instructors must be subject matter experts with at least two years' experience instructing law enforcement professionals.

Length of Course:

- 3 hours minimum, 8 hours maximum.

Assessment:

- Training providers are responsible for creating student assessments and documenting the mastery of all objectives in this course using various testing assessment opportunities.
 - Assessment opportunities include oral or written testing, interaction with instructor and students, case study and scenario, and other means of testing student's application of the skills taught as the instructor or department deems appropriate.
- The minimum passing score shall be 70%.

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Instructor Note: Throughout this course, the main statute being affected by each bill is referenced in the bill heading. Instructors should also develop any relevant content that is provided in the other affected statutes listed under the bill's "Please also see" section.

Unit 1 Changes to TCOLE Rules and Policies

1.1 Identify changes to TCOLE rules and policies.

A. SUNSET BILL ([SB 1445](#))

- i. TCOLE is reauthorized until September 1, 2031.
- ii. A new definition of misconduct is added to 1701.001 (2-a).
(2-a) "Misconduct" means:
(A) a violation of law; or
(B) any of the following that have been sustained by a law enforcement agency employing a license holder:
(i) a violation of a law enforcement agency policy for which the agency may suspend, demote, or terminate a license holder's employment; or
(ii) an allegation of untruthfulness against a license holder.
- iii. Requires TCOLE to establish three (3) advisory committees to assist in establishing minimum standards:
 1. To create or maintain a law enforcement agency.
 2. Medical and psychological examination (L2 & L3 exams)
 3. Develop model policies for misconduct investigations, content of personnel files, and hiring procedures. Once established, agencies are required to adopt the model policies or a "substantially similar policy".
- iv. Requires agencies to submit misconduct investigation reports to TCOLE to be contained in the Hiring Database. The reports become part of the data hiring agencies must review prior to appointing a licensee.
- v. Requires TCOLE to develop two databases:
 1. Hiring Database
 - Confidential database containing officer personnel records, license actions, misconduct reports that is available for the purpose of hiring licensees.
 2. Officer Service Reports
 - Public facing "licensee lookup" database.
 - Must include date of basic training, continuing education completed and current CE compliance, total number of training hours, date license was issued.
 - No photos, addresses, or other confidential information will be contained.
 - Users of database must be registered, and activity will be tracked.
- vi. Removes Honorable, General, and Dishonorable service designations from the F5 Separation form for separations occurring on or after March 1, 2024. This repeals the petition for correction and hearing at the State Office of Administrative Hearings.

vii. Effective dates of bill vary based on section and implementation by TCOLE.

B. Training requirements

i. PEACE OFFICER TRAINING ON INTERACTING WITH PERSONS WITH ALZHEIMER'S DISEASE ([HB 568](#))

1. Requires that Alzheimer's and dementia training be part of the 40-hour Crisis Intervention course in both the BPOC and the #1850 CIT in-service training. Both courses are already compliant with the statute and have been vetted by the Texas Chapter of the Alzheimer's Association. This applies to any BPOC starting on or after January 1, 2024.
2. Amends 1701 of the Occupations Code
3. Author: Bettencourt | Blanco | Hinojosa | LaMantia | West
4. Effective date: September 1, 2023

ii. LICENSING OF CERTAIN VETERANS BY THE TEXAS COMMISSION ON LAW ENFORCEMENT ([SB 252](#))

1. For appointments on or after December 1, 2024, honorably discharged veterans with at least two years of service who are legal permanent residents are now eligible for a peace officer, telecommunicator, or jailer license from TCOLE. This is intended to enhance recruiting opportunities in law enforcement agencies, among other things.
2. In order to qualify the applicant must:
 - Be a legal permanent resident (Green Card)
 - Meet all other minimum requirements for licensure.
 - Be an honorably discharged veteran of the US Armed forces with at least two years of service.
 - Provide evidence to TCOLE that they have applied for US citizenship.
3. Amends the Chapter 370 of Government Code and 1701 of the Occupations Code to allow for the licensure of certain non-citizen veterans.
4. The person may not be appointed to a supervisory role until US citizenship has been obtained.
5. Author: Alvarado
6. Effective date: September 1, 2023

iii. SEXUAL ASSAULT AND ABUSE RESPONSE TRAINING FOR PEACE OFFICERS ([SB 1402](#))

1. Establishes a mandatory training program for peace officers on responding to reports of child sexual abuse and adult sexual assault, alongside treatment of child sexual abuse and adult sexual assault survivors.
2. Author: Zaffirini | Paxton
3. Effective date: September 1, 2023

iv. ACTIVE SHOOTER TRAINING FOR PEACE OFFICERS ([SB 1852](#))

1. Requires the addition of 16 hours of ALERRT response to active shooter training to the BPOC for all classes starting after January 1, 2024. ALERRT Level 1 training by a certified ALERRT instructor(s) will be required in all BPOC deliveries. New minimum hours for BPOC will be 736. Requires all Texas

peace officers to complete 16 hours of ALERRT developed training every two-year training unit beginning with the September 1, 2023 – August 31, 2025, unit. Removes availability of waivers for catastrophic medical, military deployment, and legislative service.

2. Amends 1701 of the Occupations Code
3. Author: Flores
4. Effective date: September 1, 2023

Unit 2 SCOTUS/Case Law

2.1 Identify changes by certain SCOTUS rulings.

- A. *Lombardo v. St. Louis*, 594 U.S. ____ (2021): In an excessive force case, brought by the estate of a detainee who died while being restrained in a prone position, the Supreme Court rejects a "per se" approach based on the detainee's ongoing resistance. Decided: June 27, 2021.
- B. *Lange v. California*, 594 U.S. ____ (2021): Pursuit of a misdemeanor does not trigger a categorical rule allowing a warrantless home entry. Decided: June 22, 2021.

Unit 3 School Safety

3.1 Identify changes to policies regarding school safety.

- A. EDUCATION CODE ([HB 3](#))
 - i. HB 3 is the School Safety Bill filed in response to the Robb Elementary School shooting that occurred in Uvalde. The bill makes several changes to the education code relating to safety. Of those changes, the most notable are:
 - ii. The designation of a regional education service center to serve as a school safety resource, which works closely with the Texas School Safety Center in developing emergency operation plans.
 - iii. Required mental health training for all district employees who regularly interact with students.
 - iv. Requirements that student disciplinary and threat assessment records transfer with the student to a new school.
 - v. Permits the school to contract with private security, the local municipality, or county for security services.
 - vi. Requires ISD PD and SROs to complete active shooter training at least once each 4-year period.
 - vii. Requires each campus to have a "security officer" present at each campus during regular school hours. While 37.081 states the ISD can contract with a security company to have a level 2 or 3 security officer, 37.0814 requires this person to be a peace officer. There is a provision in the bill stating an ISD that makes a good cause claim for exemption to this requirement due to funding or qualified personnel limitations. If the ISD does this, they must develop an alternative standard, with the use of school marshals or a district employee (or other person) that has completed the school safety training.

- viii. There are several other provisions contained within the bill requiring more comprehensive security planning, audits, and cooperation with local law enforcement agencies. A new section created in the Local Government Code requires the sheriff of a county with a population less than 350 thousand is tasked with calling and conducting semiannual meetings to discuss a laundry list of items relating to school safety and the response to emergencies. The bill also requires local police chiefs and other emergency responders attend the meetings, and for the Sheriff to file a report with the Texas School Safety Center pertaining to the items discussed during the meetings. If assigned to a school, it is encouraged each officer thoroughly read through the bill and coordinate with other stakeholders mentioned throughout the bill on the implementation of the provisions.
- ix. Please see: Sec. 7.028(a) Education Code, LIMITATION ON COMPLIANCE MONITORING; Sec. 7.061 Education Code, FACILITIES STANDARDS; Sec. 8.064 Education Code, SCHOOL SAFETY SUPPORT; Sec. 12.104(b) Education Code, APPLICABILITY OF TITLE; Sec. 22.904 Education Code, MENTAL HEALTH TRAINING; Sec. 25.002(a) Education Code, REQUIREMENTS FOR ENROLLMENT; Sec. 25.036 Education Code, TRANSFER OF STUDENT; Sec. 37.081 Education Code, SCHOOL DISTRICT PEACE OFFICERS, SCHOOL RESOURCE OFFICERS, AND SECURITY PERSONNEL; Sec. 37.0812(a) Education Code, TRAINING POLICY: SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS; Sec. 37.0814 Education Code, ARMED SECURITY OFFICER REQUIRED; Sec. 37.089 Education Code, ROLE OF PERSONS CARRYING A FIREARM ON SCHOOL GROUNDS; Sec. 37.108 Education Code, MULTHAZARD EMERGENCY OPERATIONS PLAN; SAFETY AND SECURITY AUDIT; Sec. 37.1081(a) Education Code, PUBLIC HEARING ON MULTHAZARD EMERGENCY OPERATIONS PLAN NONCOMPLIANCE; Sec. 37.1083 Education Code, AGENCY MONITORING OF SCHOOL DISTRICT SAFETY AND SECURITY REQUIREMENTS; Sec. 37.1084 Education Code, REGIONAL SCHOOL SAFETY REVIEW TEAMS; Sec. 37.1085 Education Code, ASSIGNMENT OF CONSERVATOR FOR NONCOMPLIANCE WITH SCHOOL SAFETY AND SECURITY REQUIREMENTS; Sec. 37.1086 Education Code, GUIDELINES FOR MULTHAZARD EMERGENCY OPERATIONS PLAN PROVISIONS FOR INDIVIDUALS WITH DISABILITIES OR IMPAIRMENTS; Sec. 37.1131 Education Code, NOTIFICATION REGARDING VIOLENT ACTIVITY; Sec. 37.115 Education Code, THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL PROGRAM AND TEAM; Sec. 37.117 Education Code, EMERGENCY RESPONSE MAP AND WALK-THROUGH; Sec. Education Code, DISTRICT MULTHAZARD EMERGENCY OPERATIONS PLAN REVIEW AND VERIFICATION; Sec. 37.2091 Education Code, REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY OR SECURITY CONSULTING SERVICES; Sec. 37.221 Education Code, FACILITIES STANDARDS REVIEW; Sec. 37.222 Education Code, RESOURCES ON SAFE FIREARM STORAGE; Subchapter J Education Code, SAFETY AND SECURITY REQUIREMENTS FOR FACILITIES; Sec. 38.022 Education Code, SCHOOL VISITORS; Sec. 45.1011 Education Code, USE OF BOND PROCEEDS FOR SCHOOL SAFETY COMPLIANCE; Sec. 48.115 Education

Code, SCHOOL SAFETY ALLOTMENT; Sec. 411.951 Government Code, CONFIDENTIALITY OF IWATCHTEXAS COMMUNITY REPORTING SYSTEM REPORTS; Sec. 85.024 Local Government Code, SCHOOL SAFETY MEETINGS

- x. Authors: Burrows | King, Tracy O. | Moody | King, Ken | Bonnen
 - xi. Effective date: September 1, 2023
- B. PENAL CODE Sec. 46.03(a) PLACES WEAPONS PROHIBITED ([HB 1760](#))
- i. A person commits an offense if the person brings a prohibited weapon on the premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or institution is conducted, or a passenger transportation vehicle of a school or educational institution. HB 1760 defines a "school" as an accredited primary or secondary school and adds "postsecondary" schools, defined as a public, private, or independent institution of higher education.
 - ii. Please also see: Sec. 46.03(c) Subdivisions (3-a) and (4-a) Penal Code, PLACES WEAPONS PROHIBITED
 - iii. Author: Hefner
 - iv. Effective date: September 1, 2023
- C. EDUCATION CODE Sec. 37.0818 PRIVATE SCHOOL PEACE OFFICERS ([HB 4372](#))
- i. Authorizes large private schools with an enrollment of over 1,500 to commission peace officers to enforce state and local law on the school's campus.
 - ii. Please also see: Art. 2.12 Code of Criminal Procedure, WHO ARE PEACE OFFICERS
 - iii. Author: Oliverson | Harless
 - iv. Effective date: September 1, 2023

Unit 4 Health and Safety Code

4.1 Identify changes to the Health and Safety Code.

- A. HEALTH AND SAFETY CODE Chapter 769 REGULATION OF CERTAIN GROUP HOMES ([SB 188](#))
- i. It is now a Class A misdemeanor for an owner or operator of a group home to hire or continue to employ an individual who has a record of certain criminal convictions.
 - ii. Author: Miles
 - iii. Effective date: September 1, 2023
- B. HEALTH AND SAFETY CODE Chapter 444 MANUFACTURE, DISTRIBUTION, AND SALE OF KRATOM PRODUCTS ([SB 497](#))
- i. Establishes regulation on the sale of kratom in Texas by requiring proper labeling of kratom products with use instructions and recommended serving size, prohibiting the sale of adulterated or contaminated kratom or kratom with abnormal alkaloid levels, limiting the sale of kratom only to adults, and establishing escalating civil penalties for violations.
 - ii. Author: Zaffirini
 - iii. Effective date: September 1, 2023

- C. HEALTH AND SAFETY CODE Chapter 672A PROHIBITED PUBLICATION OF CERTAIN PHOTOGRAPHS OF HUMAN REMAINS ([SB 997](#))
 - i. Creates a civil penalty if a peace officer publishes a photograph of human remains that the officer obtained during the scope of their duties for an unauthorized purpose. Official immunity is waived in civil proceedings and a violation creates a civil penalty of up to \$10,000 for each violation.
 - ii. Author: West
 - iii. Effective date: September 1, 2023
- D. HEALTH AND SAFETY CODE Sec. 161.045 MANDATORY REPORTING OF CONTROLLED SUBSTANCE OVERDOSES FOR PUBLIC SAFETY MAPPING ([SB 1319](#))
 - i. It is now required for law enforcement agencies and certain health care providers to report data to ODMAP, an overdose mapping system run through the High Intensity Drug Trafficking Areas (HIDTA) program.
 - ii. Please also see: Sec. 370.007 Local Government Code, PARTICIPATION AGREEMENT FOR OVERDOSE MAPPING
 - iii. Author: Huffman
 - iv. Effective date: September 1, 2023
- E. HEALTH AND SAFETY CODE Sec. 573.012 ISSUANCE OF WARRANT ([SB 2479](#))
 - i. Establishes that a peace officer who transports a person to a facility on an emergency protection order is not required to remain at the facility while the person undergoes medical treatment or screening. The officer may leave the facility immediately after providing required documentation and after the person is in custody of the appropriate staff.
 - ii. Please also see: Sec. 574.106 Health and Safety Code, HEARING AND ORDER AUTHORIZING PSYCHOACTIVE MEDICATION; Art. 16.22(a), (b-2), and (d) Code of Criminal Procedure, EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY; Art. 17.03(b-2) Code of Criminal Procedure, PERSONAL BOND
 - iii. Author: Zaffirini
 - iv. Effective date: September 1, 2023
- F. HEALTH AND SAFETY CODE Sec. 365.012 ILLEGAL DUMPING; DISCARDING LIGHTED MATERIALS; CRIMINAL PENALTIES ([SB 1346](#))
 - i. Relating to the prosecution of illegal dumping, a person violates this code if they order and/or conspire to illegally dump, whether themselves or through others.
 - ii. Author: Miles
 - iii. Effective date: September 1, 2023

Unit 5 Penal Code

5.1 Identify changes to the Penal Code.

- A. PENAL CODE ([SB 1179](#))

- i. SB 1179 made several changes relating to the crimes committed by those who are under a civil commitment order and against them. The following Penal Code punishment levels were affected by this bill:
- ii. Penal Code 20.02 (Unlawful Restraint) is enhanced to a state jail felony if someone in custody or committed to a civil commitment facility restrains any other person.
- iii. Penal Code sections 21.07 (Public lewdness) and 21.08 (Indecent Exposure) have been increased to a felony of the third degree if the actor was civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code.
- iv. The bill also changes the elements of the offense for Penal Code Sections 22.01 (Assault), 38.11 (Prohibited Substances and Items in Correctional or Civil Commitment Facility) and creates the new offense of Improper Sexual Activity with Committed Person (PC 39.041) punishable as a felony of the third degree. The bill also makes changes to numerous other codes relating the prosecution of crimes relating to civilly committed persons, employee actions and training of Civil Commitment facilities and the Courts regarding lawsuits and certain court orders filed by doctors and those who are committed.
- v. Please see: Sec. 20.02(c) Penal Code, UNLAWFUL RESTRAINT; Sec. 21.08(b) Penal Code, INDECENT EXPOSURE; Sec. 22.01(b-1) Penal Code, ASSAULT; Sec. 38.11 Penal Code, PROHIBITED SUBSTANCES AND ITEMS IN CORRECTIONAL OR CIVIL COMMITMENT FACILITY; Sec. 39.041 Penal Code, IMPROPER SEXUAL ACTIVITY WITH COMMITTED PERSON; Art. 13.315 Code of Criminal Procedure, FAILURE TO COMPLY WITH SEX OFFENDER REGISTRATION STATUTE; Art. 62.005(j) Code of Criminal Procedure, CENTRAL DATABASE; PUBLIC INFORMATION; Art. 62.051 Code of Criminal Procedure, REGISTRATION: GENERAL; Chapter 14A Civil Practice and Remedies Code, LITIGATION BY CIVILLY COMMITTED INDIVIDUAL; Chapter 78B Civil Practice and Remedies Code, LIMITED LIABILITY FOR FIRST RESPONDER WELLNESS CHECK AT CIVIL COMMITMENT FACILITY; Sec. 411.0092 Government Code, PRIMARY JURISDICTION; Sec. 420A.008 Government Code, STAFF; Sec. 420A.008 Government Code, FAMILY LIAISON OFFICER; Sec. 420A.013 Government Code, FAMILY UNITY AND PARTICIPATION; Sec. 552.1345 Government Code, EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO CIVILLY COMMITTED SEXUALLY VIOLENT PREDATORS; Sec. 2001.227 Government Code, TEXAS CIVIL COMMITMENT OFFICE; Sec. 2155.144(a) Government Code, PROCUREMENTS BY HEALTH AND HUMAN SERVICES AGENCIES; Sec. 109.051(b) Occupations Code, RELEASE BY PERSONS PROVIDING MENTAL HEALTH OR MEDICAL SERVICES; Sec. 109.052 Occupations Code, RELEASE BY CRIMINAL JUSTICE AGENCY; Sec. 109.053 Occupations Code, RELEASE BY LOCAL LAW ENFORCEMENT AUTHORITY; Sec. 841.002 Health and Safety Code, DEFINITIONS; Sec. 841.042 Health and Safety Code, ASSISTANCE FROM SPECIAL PROSECUTION UNIT; Sec. 841.0834 Health and Safety Code, MOVEMENT BETWEEN PROGRAMMING TIERS; Sec. 841.0838 Health and Safety Code, USE OF RESTRAINTS; Sec. 841.102(c) Health and Safety Code, BIENNIAL REVIEW; Sec. 841.123 Health and Safety Code, REVIEW OF UNAUTHORIZED

PETITION FOR RELEASE; Chapter 841 Health and Safety Code, ADMINISTRATION OF CERTAIN MEDICATION TO CERTAIN SEXUALLY VIOLENT PREDATORS

- vi. Author: Perry
 - vii. Effective date: September 1, 2023
- B. PENAL CODE Sec. 19.02 MURDER ([HB 6](#))
- i. Penalty Group 1-B of Health and Safety Code is amended to include fentanyl and other opiates with applicable penalties enhanced to a felony of the first degree. If a person knowingly manufactures or delivers a controlled substance listed in Penalty Group 1-B and an individual dies from introducing any amount into their body, whether by itself or in combination with another substance, this conduct is now an offense constituting murder.
 - ii. Please also see: Sec. 71.02(a) Penal Code, ENGAGING IN ORGANIZED CRIMINAL ACTIVITY; Sec. 193.005 Health and Safety Code, PERSONAL INFORMATION; Sec. 481.102 Health and Safety Code, PENALTY GROUP 1; Sec. 481.1022 Health and Safety Code, PENALTY GROUP 1-B; Sec. 481.112(e) and (f) Health and Safety Code, OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 1; Sec. 481.1121(b) Health and Safety Code, OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 1-A; Sec. 481.1123(b), (d), (e), and (f) Health and Safety Code, OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 1-B; Sec. 481.113(e) Health and Safety Code, OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 2 OR 2-A; Sec. 481.114(e) Health and Safety Code, OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 3 OR 4; Sec. 481.115(f) Health and Safety Code, OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 1 OR 1-B; Sec. 481.1151(b) Health and Safety Code, OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 1-A; Sec. 481.116(e) Health and Safety Code, OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 2; Sec. 481.1161(b) Health and Safety Code, OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 2-A; Sec. 481.117(e) Health and Safety Code, OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 3; Sec. 481.118(e) Health and Safety Code, OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 4; Sec. 481.120(b) Health and Safety Code, OFFENSE: DELIVERY OF MARIHUANA; Sec. 481.121(b) Health and Safety Code, OFFENSE: POSSESSION OF MARIHUANA; Sec. 481.126(a) Health and Safety Code, OFFENSE: ILLEGAL BARTER, EXPENDITURE, OR INVESTMENT; Sec. 481.134(c) Health and Safety Code, DRUG-FREE ZONES; Sec. 481.141 Health and Safety Code, MANUFACTURE OR DELIVERY OF CONTROLLED SUBSTANCE CAUSING DEATH OR SERIOUS BODILY INJURY
 - iii. Author: Huffman
 - iv. Effective date: September 1, 2023
- C. PENAL CODE Sec. 22.02(b) AGGRAVATED ASSAULT ([HB 28](#))
- i. The Todd-Hogland Act is relating to enhancing the punishment for certain conduct constituting the criminal offense of aggravated assault with a deadly

weapon that results in a persistent vegetative state or irreversible paralysis. The penalty is increased regardless of the victim's relationship with the offender.

- ii. Author: Slawson | Frazier | Metcalf | Button
 - iii. Effective date: September 1, 2023
- D. PENAL CODE Sec. 22.02(b) AGGRAVATED ASSAULT ([HB 165](#))
- i. Relating to the prosecution of and punishment for an aggravated assault occurring as part of a mass shooting and increasing the criminal penalty. HB 165 defines a “mass shooting” as an event involving the discharge of a firearm to cause or try to cause serious bodily injury or death to four or more people during a criminal transaction or different criminal transactions but pursuing the same criminal conduct. Aggravated assault is enhanced to a felony of the first degree if the offense was committed as part of a mass shooting.
 - ii. Please also see: Sec. 1.07(a) Penal Code, DEFINITIONS; Sec. 3.03 Penal Code, SENTENCES FOR OFFENSES ARISING OUT OF SAME CRIMINAL EPISODE; Sec. 3.04(c) Penal Code, SEVERANCE
 - iii. Author: Johnson, Ann | Bonnen | Kuempel | Landgraf | Ordaz
 - iv. Effective date: September 1, 2023
- E. PENAL CODE Sec. 42.107 POSSESSION OF ANIMAL BY PERSON CONVICTED OF ANIMAL CRUELTY ([HB 598](#))
- i. If a person has been convicted of an offense involving animal cruelty within the previous five-year period, possession or exercising control of an animal is now a Class C misdemeanor. It is enhanced to a Class B misdemeanor if the person has been previously convicted for an offense under this section.
 - ii. Author: Shaheen | Bhojani
 - iii. Effective date: September 1, 2023
- F. PENAL CODE Sec. 42.074 UNLAWFUL DISCLOSURE OF RESIDENCE ADDRESS OR TELEPHONE NUMBER ([HB 611](#))
- i. It is now a criminal offense to unlawfully disclose residence address or telephone number with the intent to cause harm or a threat of harm to a person or a member of the person's family or household. This is a Class A misdemeanor if the offense results in bodily injury. There is an exception for public servants if the information is posted in performance of duties or as required by law.
 - ii. Author: Capriglione | Garcia
 - iii. Effective date: September 1, 2023
- G. PENAL CODE Sec. 37.10(c) TAMPERING WITH GOVERNMENTAL RECORD ([HB 914](#))
- i. This code expands the definition of "governmental record" to include a temporary vehicle tag and makes the offense of tampering with a temporary vehicle tag a class A misdemeanor. This offense only applies to a legitimate paper tag and not a fabricated one.
 - ii. Please also see: Sec. 37.01(2) Penal Code, DEFINITIONS; Art. 14.06(d) Code of Criminal Procedure, MUST TAKE OFFENDER BEFORE MAGISTRATE
 - iii. Author: Hefner | Goldman | Canales | Moody | Lopez, Janie

- iv. Effective date: September 1, 2023
- H. PENAL CODE Sec. 49.061 BOATING WHILE INTOXICATED WITH CHILD PASSENGER ([HB 1163](#))
 - i. New offense of "Boating While Intoxicated with a Child Passenger" is punishable as a state jail felony.
 - ii. Please also see: Sec. 49.09(b) and (d) Penal Code, ENHANCED OFFENSES AND PENALTIES; Sec. 49.09(c)(3) Penal Code, ENHANCED OFFENSES AND PENALTIES; Sec. 49.10 Penal Code, NO DEFENSE; Sec. 106.041(g) Alcoholic Beverage Code, DRIVING OR OPERATING WATERCRAFT UNDER THE INFLUENCE OF ALCOHOL BY MINOR; Art. 16.23(b) Code of Criminal Procedure, DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE; Art. 17.441(a) Code of Criminal Procedure, CONDITIONS REQUIRING MOTOR VEHICLE IGNITION INTERLOCK; Art. 18.01(j) Code of Criminal Procedure, SEARCH WARRANT; Art. 18.067 Code of Criminal Procedure, EXECUTION OF WARRANT FOR BLOOD SPECIMEN IN INTOXICATION OFFENSE; Art. 42A.102(b) Code of Criminal Procedure, ELIGIBILITY FOR DEFERRED ADJUDICATION COMMUNITY SUPERVISION; Art. 42A.408(c) and (d) Code of Criminal Procedure, USE OF IGNITION INTERLOCK DEVICE; Sec. 12.203(a) Parks and Wildlife Code, REWARDS; CLAIMS; Sec. 524.011(a) Transportation Code, OFFICER'S DUTIES FOR DRIVER'S LICENSE SUSPENSION; Sec. 524.015(b) Transportation Code, EFFECT OF DISPOSITION OF CRIMINAL CHARGE ON DRIVER'S LICENSE SUSPENSION; Sec. 524.022(b) Transportation Code, PERIOD OF SUSPENSION; Sec. 524.023 Transportation Code, APPLICATION OF SUSPENSION UNDER OTHER LAWS; Sec. 524.042(a) Transportation Code, STAY OF SUSPENSION ON APPEAL; Sec. 724.012(b) Transportation Code, TAKING OF SPECIMEN
 - iii. Author: Smith | Metcalf | Cook | Noble | Lopez, Janie
 - iv. Effective date: September 1, 2023
- I. PENAL CODE Sec. 42.07(a) HARASSMENT ([HB 1427](#))
 - i. The definition of harassment is amended to include making 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.
 - ii. Author: Campos | Bernal | Garcia | Morales Shaw
 - iii. Effective date: September 1, 2023
- J. PENAL CODE Sec. 21.08(b) INDECENT EXPOSURE ([HB 1730](#))
 - i. If a defendant has been previously convicted of indecent exposure, a repeat offense is now a Class A misdemeanor.
 - ii. Author: Schaefer | Cook
 - iii. Effective date: September 1, 2023
- K. PENAL CODE Sec. 28.03(b) CRIMINAL MISCHIEF ([HB 1833](#))
 - i. Criminal mischief involving a public power supply is revised to increase the penalty to a felony of the third degree.

- ii. Author: Shaheen
 - iii. Effective date: September 1, 2023
- L. PENAL CODE Sec. 22.041 ABANDONING OR ENDANGERING A CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL ([HB 2187](#))
- i. Elderly and disabled individuals are added to the class of persons protected by law from abandonment or endangerment.
 - ii. Please also see: Art. 12.01 Code of Criminal Procedure, FELONIES; Sec. 201.062(a) Estates Code, TREATMENT OF CERTAIN PARENT-CHILD RELATIONSHIPS; Sec. 1104.353(b) Estates Code, NOTORIOUSLY BAD CONDUCT; PRESUMPTION CONCERNING BEST INTEREST; Sec. 161.001(b) Family Code, INVOLUNTARY TERMINATION OF PARENT-CHILD RELATIONSHIP; Sec. 262.2015(b) Family Code, AGGRAVATED CIRCUMSTANCES; Sec. 250.006(a) Health and Safety Code, CONVICTIONS BARRING EMPLOYMENT; Sec. 301.4535(a) Occupations Code, REQUIRED SUSPENSION, REVOCATION, OR REFUSAL OF LICENSE FOR CERTAIN OFFENSES
 - iii. Author: Davis | Garcia
 - iv. Effective date: September 1, 2023
- M. PENAL CODE Sec. 46.15(a) NONAPPLICABILITY ([HB 2291](#))
- i. If licensed, retired judges and justices are now allowed to carry a handgun in places where weapons are prohibited.
 - ii. Author: Slawson | Holland | Ashby
 - iii. Effective date: September 1, 2023
- N. PENAL CODE Sec. 21.17(a) VOYEURISM ([HB 2306](#))
- i. The definition of voyeurism is amended to include observing another individual remotely using electronic means as constituting an offense.
 - ii. Author: Hefner
 - iii. Effective date: September 1, 2023
- O. PENAL CODE Sec. 43.26 POSSESSION OR PROMOTION OF CHILD PORNOGRAPHY ([HB 2700](#))
- i. Certain criminal offenses prohibiting sexually explicit visual material of children have been revised to include a depiction of a child or minor who is recognizable as a real person and computer-generated images of a child younger than 18 years old as constituting an offense.
 - ii. Please also see: Sec. 43.261 Penal Code, ELECTRONIC TRANSMISSION OF CERTAIN VISUAL MATERIAL DEPICTING MINOR; Sec. 43.262 Penal Code, POSSESSION OR PROMOTION OF LEWD VISUAL MATERIAL DEPICTING CHILD
 - iii. Author: Guillen | Noble | Plesa
 - iv. Effective date: September 1, 2023
- P. PENAL CODE Sec. 38.115 OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL FACILITY OR DETENTION FACILITY ([HB 3075](#))
- i. It is a Class B misdemeanor to operate a drone intentionally or knowingly over a correctional or detention facility under certain circumstances. This offense is

enhanced to Class A if the person has previously been convicted of a similar offense. It is state jail felony if a drone is used to provide contraband to a person in the custody of the correctional facility or detention facility.

- ii. Please also see: Sec. 423.0045(b) and (c) Government Code, OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL FACILITY, DETENTION FACILITY, OR CRITICAL INFRASTRUCTURE FACILITY. Sec. 423.0045(a)(1) and (3) Government Code are repealed.
 - iii. Author: Kacal
 - iv. Effective date: September 1, 2023
- Q. PENAL CODE Sec. 12.502 PENALTY IF OFFENSE COMMITTED ON PREMISES OF POSTSECONDARY EDUCATIONAL INSTITUTION ([HB 3553](#))
- i. Increases the penalty of sexual offenses on college campuses if the crimes are committed on the premises of or within 1,000 feet of the premises of a public, private, or independent higher education institution.
 - ii. Please also see: Sec. 20A.02(b-1) Penal Code, TRAFFICKING OF PERSONS
 - iii. Author: Thierry | Shaheen | Moody | Jetton, Jacey | Cook
 - iv. Effective date: September 1, 2023
- R. PENAL CODE Sec. 20A.02(b) and (b-1) TRAFFICKING OF PERSONS ([HB 3554](#))
- i. Punishment is enhanced to a felony of the first degree if the trafficking of persons is committed on the premises of or within 1,000 feet of a shelter or residential treatment center, a community center offering youth services, or a child-care facility.
 - ii. Author: Thierry | Shaheen | Moody | Jetton, Jacey | Cook
 - iii. Effective date: September 1, 2023
- S. PENAL CODE Sec. 43.28 CERTAIN SEXUALLY ORIENTED PERFORMANCES PROHIBITED ([SB 12](#))
- i. Performances involving nude performers, and/or real or simulated sexual acts (including the use of accessories or prosthetics) on public property that could reasonably be expected to be viewed by a child or in the presence of a person under 18 are strictly prohibited. Violating this code is a Class A misdemeanor.
 - ii. Please also see: Ch. 769 Health and Safety Code, SEXUALLY ORIENTED PERFORMANCES; Ch. 243 Local Government Code, AUTHORITY TO REGULATE CERTAIN SEXUALLY ORIENTED PERFORMANCES
 - iii. Author: Hughes
 - iv. Effective date: September 1, 2023
- T. PENAL CODE Sec. 31.21 UNAUTHORIZED POSSESSION OF CATALYTIC CONVERTER ([SB 224](#))
- i. The Deputy Darren Almendarez Act establishes intentionally or knowingly possessing a catalytic converter that has been unlawfully removed from a vehicle as a state jail felony. The offense is enhanced to a felony of the third degree if an offender has been previously convicted under Penal Code Section 31.21, engaged in conduct constituting conspiracy with respect to catalytic converter

theft or criminal mischief, and/or possessed a firearm during the commission of the offense. A person in possession of one or more catalytic converters that have been removed from a motor vehicle is presumed to have unlawfully appropriated the property.

- ii. Please also see: Sec. 28.03(b) Penal Code, CRIMINAL MISCHIEF; Sec. 31.03 Penal Code, THEFT; Sec. 71.02(a) Penal Code, ENGAGING IN ORGANIZED CRIMINAL ACTIVITY; Sec. 1956.001 Occupations Code, DEFINITIONS; Sec. 1956.016 Occupations Code, REGISTRATION DATABASE; Sec. 1956.017(b) Occupations Code, ADVISORY COMMITTEE; Sec. 1956.022 Occupations Code, ISSUANCE OF CERTIFICATE; QUALIFICATIONS; Sec. 1956.024(a) Occupations Code, RENEWAL OF CERTIFICATE; Sec. 1956.030 Occupations Code, FIXED LOCATION; Ch. 1956 Subchapter C-1 Occupations Code, CERTAIN TRANSACTIONS INVOLVING CATALYTIC CONVERTERS REMOVED FROM MOTOR VEHICLES; Sec. 2305.0041 Occupations Code, LIMITATION ON BUYING AND SELLING CATALYTIC CONVERTERS; Section 2305.0051(a), Occupations Code, is amended; Sec. 2305.101(c) Occupations Code, CRIMINAL PENALTY; Ch. 2305 Subchapter D Occupations Code, RECORDS OF CERTAIN SALES OR TRANSFERS OF CATALYTIC CONVERTERS REMOVED FROM MOTOR VEHICLES; Sec. 1006.001(2) Transportation Code, DEFINITIONS; Sec. 1006.153(b) and (e) Transportation Code, FEE IMPOSED ON INSURER
 - iii. Author: Alvarado | Whitmire
 - iv. Effective Immediately
- U. PENAL CODE Sec. 46.15(a) NONAPPLICABILITY ([SB 599](#))
- i. District clerks are now allowed the same permissions and license to carry exemptions in courthouses as previously given to judges and state, federal and local attorneys.
 - ii. Please also see: Sec. 411.1882(a) Government Code, EVIDENCE OF HANDGUN PROFICIENCY FOR CERTAIN PERSONS; Sec. 411.201(h) Government Code, ACTIVE AND RETIRED JUDICIAL OFFICERS
 - iii. Author: Birdwell
 - iv. Effective Date: September 1, 2023
- V. PENAL CODE Sec. 22.01(b) ASSAULT ([SB 840](#))
- i. The Jacqueline "Jackie" Pokuaa and Katie "Annette" Flowers Act enhances the penalty for assaulting certain hospital personnel to a felony of the third degree.
 - ii. Please also see: Sec. 22.01(e) Penal Code, ASSAULT
 - iii. Author: West
 - iv. Effective date: September 1, 2023
- W. PENAL CODE Sec. 28.09 DAMAGING CRITICAL INFRASTRUCTURE FACILITY ([SB 947](#))
- i. It is a felony of the third degree if a person intentionally or knowingly damages, destroys, vandalizes, or impairs the function of a critical infrastructure facility and causes an extended power outage. It is enhanced to a felony of the first degree if damage to the facility is \$100,000 or more, or if the person used a firearm, drone, cyber-attack, or explosive weapon. Manslaughter is also

enhanced to a felony of the first degree if the conduct caused the death of an individual.

- ii. Please also see: Sec. 19.04(b) Penal Code, MANSLAUGHTER
 - iii. Author: King
 - iv. Effective date: September 1, 2023
- X. PENAL CODE Sec. 38.112 TAMPERING WITH ELECTRONIC MONITORING DEVICE ([SB 1004](#))
- i. Established as a new offense, it is now a state jail felony if a person knowingly removes or disables an electronic tracking device that they are required to wear as a condition of release on bail, parole, community supervision, mandatory supervision, or house arrest. It is a felony of the third degree if the person is in a super-intensive supervision program. Exception of the offense is if the removal or disabling is by a health care provider for a medical necessity.
 - ii. Please also see: Art. 42.08 Code of Criminal Procedure, CUMULATIVE OR CONCURRENT SENTENCE
 - iii. Author: Huffman
 - iv. Effective date: September 1, 2023
- Y. PENAL CODE Sec. 42.15 OPERATION OF UNMANNED AIRCRAFT OVER AIRPORT OR MILITARY INSTALLATION ([SB 1308](#))
- i. It is now a Class B misdemeanor if a person intentionally or knowingly operates an unmanned aircraft over, makes contact with, or operates an aircraft in a manner that interferes with the operations at an airport or military installation. This offense is enhanced to a Class A misdemeanor if the person has previously been convicted under a similar offense.
 - ii. Please also see: Sec. 423.0045(a)(1-a) Government Code, OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL FACILITY, DETENTION FACILITY, OR CRITICAL INFRASTRUCTURE FACILITY; Sec. 424.001 Government Code, DEFINITION
 - iii. Author: Hancock
 - iv. Effective date: September 1, 2023
- Z. PENAL CODE Sec. 21.165 UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT VIDEOS ([SB 1361](#))
- i. Established as a new offense, it is now a Class A misdemeanor for a person to knowingly produce or distribute a “deep fake video” that depicts a person engaged in sexual conduct or exposing the person’s intimate parts without their effective consent. “Deep fake video” is defined as a video, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality.
 - ii. Author: Huffman
 - iii. Effective date: September 1, 2023
- AA. PENAL CODE Sec. 38.02 FAILURE TO IDENTIFY ([SB 1551](#))

- i. It is a Class C misdemeanor if an operator of a motor vehicle who is lawfully detained by a peace officer for an alleged violation of a law fails to provide or display the person's driver's license on the officer's request and intentionally refuses to give the person's name, driver's license number, residence address, or date of birth to the officer on the officer's request for that information. It is enhanced to a Class B misdemeanor if the operator provides a false or fictitious name.
 - ii. Author: West
 - iii. Effective date: September 1, 2023
- BB. PENAL CODE Sec. 43.03(b) PROMOTION OF PROSTITUTION ([SB 1653](#))
- i. Removes the condition that a child younger than 18 years of age must be "engaging in prostitution" for it to be a felony of the first degree for the offense of promotion.
 - ii. Author: Huffman
 - iii. Effective date: September 1, 2023
- CC. PENAL CODE Sec. 42.072(a) STALKING ([SB 1717](#))
- i. Stalking is expanded to include specifics where a person knowingly engages in conduct that causes the other person to be fearful of a potential offense against them or to be terrified or intimidated; this includes threats against the other person's family, household, or dating partners.
 - ii. Please also see: Art. 38.46(a) Code of Criminal Procedure, EVIDENCE IN PROSECUTIONS FOR STALKING
 - iii. Author: Zaffirini
 - iv. Effective date: September 1, 2023

Unit 6 Code of Criminal Procedure

6.1 Identify changes to the Code of Criminal Procedure.

- A. CODE OF CRIMINAL PROCEDURE Art. 12.01 FELONIES ([SB 1527](#))
 - i. It is now a felony of the third degree under Penal Code Chapter 15 if a person knowingly persuades, induces, entices, or coerces, or attempts to persuade, induce, entice, or coerce, a child younger than 18 years of age to engage in specific conduct that would constitute a public indecency offense or an offense involving sexual activity. It is also an offense to make a child a party to the commission of a listed offense. The punishments for human trafficking of disabled individuals are now comparable to that of the human trafficking of children. Includes serious bodily injury of the victim, exhibiting a deadly weapon during the commission, and strangulation as an enhancement to punishment for human trafficking offenses. Human trafficking offenders are required to register as sex offenders. To further protect victims, SB 1527 flags driver's licenses of individuals convicted of human trafficking.
 - ii. Art. 2.305 Code of Criminal Procedure, REPORT REQUIRED CONCERNING HUMAN TRAFFICKING CASES: An entity investigating certain human trafficking offenses shall submit to the attorney general a report containing: details of the offense;

the offender's information including full name, gender, race or ethnicity, country of origin, date of birth, and age at the time of the offense; the case number associated with the person and the offense; the date and location (including city and county) of the offense; the victim's information including age, gender, race or ethnicity, country of origin, and any available information regarding referrals to victims' services the victim received as a part of the investigation.

Investigating entities that do not have required reporting during a period specified by the attorney general shall submit a general notice stating there are no cases to report. Visit <https://www.texasattorneygeneral.gov/human-trafficking/human-trafficking-case-report> for more information regarding reporting requirements.

- iii. Art. 38.072 Code of Criminal Procedure, HEARSAY STATEMENT OF CERTAIN ABUSE VICTIMS; Art. 38.37 Code of Criminal Procedure, EVIDENCE OF EXTRANEIOUS OFFENSES OR ACTS; Art. 42.016 Code of Criminal Procedure, SPECIAL DRIVER'S LICENSE OR IDENTIFICATION REQUIREMENTS FOR CERTAIN SEX OFFENDERS; Art. 62.101(a) Code of Criminal Procedure, EXPIRATION OF DUTY TO REGISTER; Sec. 402.034 Government Code, HUMAN TRAFFICKING PREVENTION COORDINATING COUNCIL; Sec. 402.035 Government Code, HUMAN TRAFFICKING PREVENTION TASK FORCE; Sec. 772.0062(a)(1) Government Code, CHILD SEX TRAFFICKING PREVENTION UNIT; Sec. 15.032 Penal Code, CHILD GROOMING; Sec. 20A.01 Penal Code, DEFINITIONS; Sec. 20A.02(a) and (b) Penal Code, TRAFFICKING OF PERSONS; Sec. 43.021(b) Penal Code, SOLICITATION OF PROSTITUTION; Sec. 43.02(c-2) Penal Code, PROSTITUTION is transferred to Sec. 43.021 Penal Code, SOLICITATION OF PROSTITUTION and redesignated as Sec. 43.021(b-1) Penal Code, SOLICITATION OF PROSTITUTION; Sec. 43.05(a) Penal Code, COMPELLING PROSTITUTION; Sec. 43.26 Penal Code, POSSESSION OR PROMOTION OF CHILD PORNOGRAPHY; Sec. 43.26(f) Penal Code, POSSESSION OR PROMOTION OF CHILD PORNOGRAPHY is repealed; Sec. 16.0045(a) Civil Practice and Remedies Code, LIMITATIONS PERIOD FOR CLAIMS ARISING FROM CERTAIN OFFENSES; Sec. 521.057(a) Transportation Code, INFORMATION REGARDING CERTAIN SEX OFFENDERS
 - iv. Author: Huffman
 - v. Effective date: September 1, 2023
- B. CODE OF CRIMINAL PROCEDURE Art. 12.01 FELONIES ([HB 3025](#))
- i. Bianca's Law changes the statute of limitations for interference with child custody, kidnapping, and aggravated kidnapping. The statute of limitations on kidnapping is changed to 20 years from the victim's 18th birthday if the victim was younger than 17 years old when kidnapped, and the condition where there is an intent to violate or abuse the victim sexually is removed for aggravated kidnapping.
 - ii. Please also see: Sec. 25.03 Penal Code, INTERFERENCE WITH CHILD CUSTODY
 - iii. Author: Vasut | Ramos
 - iv. Effective date: September 1, 2023

- C. CODE OF CRIMINAL PROCEDURE Art. 7B.005(a) CONDITIONS SPECIFIED BY PROTECTIVE ORDER ([HB 2715](#))
- i. Tracking or monitoring someone through a vehicle, tracking application, or by physically following them without their consent now constitutes harassment. A new provision is added to certain protective orders that prohibits tracking or monitoring, and the code presumes that a person does not consent to tracking or monitoring if they have filed a protective order against the actor.
 - ii. Please also see: Art. 17.292(c) Code of Criminal Procedure, MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION; Art. 17.49(b) Code of Criminal Procedure, CONDITIONS FOR DEFENDANT CHARGED WITH OFFENSE INVOLVING FAMILY VIOLENCE; Sec. 6.501(a) Family Code, TEMPORARY RESTRAINING ORDER; Sec. 85.022(b) Family Code, REQUIREMENTS OF ORDER APPLYING TO PERSON WHO COMMITTED FAMILY VIOLENCE; Sec. 25.07(a) Penal Code, 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; Sec. 42.07 Penal Code, HARASSMENT
 - iii. Author: Hull | Leach | Moody | Talarico | Lujan
 - iv. Effective date: September 1, 2023
- D. CODE OF CRIMINAL PROCEDURE Art. 63.00905 LAW ENFORCEMENT REQUIREMENTS FOR REPORT OF MISSING CHILD ([SB 2429](#))
- i. Requires law enforcement who receive a report of a missing child to begin an investigation immediately, regardless of the jurisdiction in which the child went missing. The maximum age that kept certain children from being considered high risk for sexual abuse or neglect is removed.
 - ii. Please also see: Art. 2.13(c) Code of Criminal Procedure, DUTIES AND POWERS; Art. 63.009 Code of Criminal Procedure, LAW ENFORCEMENT REQUIREMENTS; Art. 63.0091 Code of Criminal Procedure, LAW ENFORCEMENT REQUIREMENTS REGARDING REPORTS OF CERTAIN MISSING CHILDREN; Art. 63.009(a-1), (a-2), and (g) Code of Criminal Procedure, LAW ENFORCEMENT REQUIREMENTS are repealed; Art. 63.0092 Code of Criminal Procedure, OPTION TO DESIGNATE MISSING CHILD AS HIGH RISK is repealed; Sec. 1701.253 Occupations Code, SCHOOL CURRICULUM; Sec. 1701.2581 Occupations Code, VOLUNTARY ADVANCED EDUCATION AND TRAINING PROGRAM ON MISSING CHILDREN AND MISSING PERSONS
 - iii. Author: Hancock
 - iv. Effective date: September 1, 2023
- E. CODE OF CRIMINAL PROCEDURE Art. 12.01 FELONIES ([HB 467](#))
- i. This bill extends the statute of limitations period for certain felonies from three years of the date the offense was committed to within five years of that date. This extension applies to offenses of aggravated assault, continuous violence against the family, and assault against the person with whom the defendant had a dating, family, or household relationship/association. For misdemeanor assault against a person with whom the defendant had a dating, family, or household

- relationship, the statute of limitations is extended to within three years of the date of the committed crime.
- ii. Please also see: Art. 12.02 Code of Criminal Procedure, MISDEMEANORS
 - iii. Author: Craddick | Toth | Johnson, Ann
 - iv. Effective date: September 1, 2023
- F. CODE OF CRIMINAL PROCEDURE Art. 17.50(b) and (f) ENTRY INTO TEXAS CRIME INFORMATION CENTER OF CERTAIN INFORMATION IN CASES INVOLVING VIOLENT OFFENSES; DUTIES OF MAGISTRATES, SHERIFFS, AND DEPARTMENT OF PUBLIC SAFETY ([HB 767](#))
- i. Bond conditions for certain violent crimes are currently entered into the TCIC and with this code amendment, stalking is added to that list of offenses. This code also establishes the duties of magistrates, sheriffs, court clerks, and the Department of Public Safety related to the entry of that information.
 - ii. Author: Harless | Swanson
 - iii. Effective date: September 1, 2023
- G. CODE OF CRIMINAL PROCEDURE Art. 56B.0035 CRIMINALLY INJURIOUS CONDUCT ([HB 844](#))
- i. A new article under the code is created to expand the definition of “trafficking” to include soliciting or patronizing another person by any means. To clarify, the solicitation or patronization of forced labor or services is considered "criminally injurious conduct" if done in connection with human trafficking. A victim of the criminally injurious conduct described above is a trafficking victim for the purposes of grant programs administered by the office of the governor.
 - ii. Author: Patterson | Thierry | Leach
 - iii. Effective date: September 1, 2023
- H. CODE OF CRIMINAL PROCEDURE Art. 58.052(a) ADDRESS CONFIDENTIALITY PROGRAM ([HB 1161](#))
- i. Victims of “child abduction” are now added to the list of eligible Address Confidentiality Program participants, a program administered by the attorney general to help victims of certain violent crimes maintain a confidential address.
 - ii. Please also see: Art. 58.051 Code of Criminal Procedure, DEFINITIONS; Art. 58.054 Code of Criminal Procedure, ELIGIBILITY; Art. 58.055(a) Code of Criminal Procedure, APPLICATION; Art. 58.056(a) Code of Criminal Procedure, APPLICATION AND ELIGIBILITY RULES AND PROCEDURES
 - iii. Author: Meyer | Leach | Bowers | Lujan
 - iv. Effective immediately
- I. CODE OF CRIMINAL PROCEDURE Art. 12.01 FELONIES ([HB 1207](#))
- i. The statute of limitations for tampering with evidence that involves a human corpse is now removed. There is no longer a statute of limitation for this specific condition where previously it was three years, with the preface that the investigation showed that a reasonable person would have had cause to believe that the evidence tampered with was related to a criminal homicide.

- ii. Author: Guillen
 - iii. Effective date: September 1, 2023
- J. CODE OF CRIMINAL PROCEDURE Art. 59.01(2) DEFINITIONS ([HB 1442](#))
- i. This new act creates two offenses, obstructing a highway/passageway if committed while operating a motor vehicle and engaging in a reckless driving exhibition, and the offense of racing on a highway is subject to penalty enhancement one category higher if the offense is committed while engaging in certain organized criminal activities. Law enforcement are also allowed to seize vehicles and any proceeds gained when used in these offenses.
 - ii. Please also see: Sec. 42.03 Penal Code, OBSTRUCTING HIGHWAY OR OTHER PASSAGEWAY; Sec. 71.02(a) Penal Code, ENGAGING IN ORGANIZED CRIMINAL ACTIVITY
 - iii. Author: Johnson, Ann | Plesa | Morales, Eddie | Frazier
 - iv. Effective date: September 1, 2023
- K. CODE OF CRIMINAL PROCEDURE Art. 12.01 FELONIES ([HB 1506](#))
- i. The statute of limitations for the offense of abandoning or endangering a child is changed from five years to ten years.
 - ii. Author: Meyer
 - iii. Effective date: September 1, 2023
- L. CODE OF CRIMINAL PROCEDURE Art. 2.101 MAGISTRATE'S NAME ON SIGNED ORDER ([HB 1712](#))
- i. New statute requires all court orders to include a magistrate's full name in legible handwriting, or have a legible typewritten form, or legible stamp print.
 - ii. Author: Canales
 - iii. Effective date: September 1, 2023
- M. CODE OF CRIMINAL PROCEDURE Art. 12.01 FELONIES ([HB 1769](#))
- i. The statute of limitations for certain offenses against children have been revised; promotion or possession of child pornography has a new statute of seven years from date of commission. For trafficking of persons and/or sexual performances by a child, the statute is now 20 years from the 18th birthday of the victim.
 - ii. Author: Meyer | Morales, Eddie | Metcalf
 - iii. Effective date: September 1, 2023
- N. CODE OF CRIMINAL PROCEDURE Art. 12.01 FELONIES ([HB 2019](#))
- i. The statute of limitations for burglary of the first degree is removed when two conditions are met: the defendant enters a habitation with the intent to commit sexual assault or aggravated sexual assault; and biological matter is collected and has not yet been subjected to forensic DNA testing, or biological matter is collected that did not match the victim or any other person whose identity was readily ascertained.
 - ii. Author: Neave Criado | Cook | Collier
 - iii. Effective date: September 1, 2023

- O. CODE OF CRIMINAL PROCEDURE Art. 63.00905 LAW ENFORCEMENT REQUIREMENTS FOR REPORT OF MISSING CHILD ([HB 2660](#))
- i. Tim's Law requires any law enforcement agencies that receive a report of a missing child or person to electronically submit the report (as well as any information that may help determine the location of the child or person) to each municipal or county law enforcement agency within 200 miles no later than 48 hours of receiving the report.
 - ii. Please also see: Art. 2.13(c) Code of Criminal Procedure, DUTIES AND POWERS; Art. 63.009 Code of Criminal Procedure, LAW ENFORCEMENT REQUIREMENTS; Art. 63.0091 Code of Criminal Procedure, LAW ENFORCEMENT REQUIREMENTS REGARDING REPORTS OF CERTAIN MISSING CHILDREN; Art. 63.009(a-1), (a-2), and (g) Code of Criminal Procedure LAW ENFORCEMENT REQUIREMENTS are repealed; Art. 63.0092 Code of Criminal Procedure OPTION TO DESIGNATE MISSING CHILD AS HIGH RISK is repealed; Sec. 1701.253 Occupations Code, SCHOOL CURRICULUM; Sec. 1701.2581 Occupations Code, VOLUNTARY ADVANCED EDUCATION AND TRAINING PROGRAM ON MISSING CHILDREN AND MISSING PERSONS
 - iii. Author: Oliverson | Hull | Jones, Jolanda
 - iv. Effective date: September 1, 2023
- P. CODE OF CRIMINAL PROCEDURE Art. 38.01 Sec. 4-e DNA QA DATABASE; STORAGE AND REMOVAL OF CERTAIN DNA RECORDS ([HB 3506](#))
- i. The privacy of victims of sexual assault is protected by ensuring that their DNA is not permanently stored in a database and distributed to other entities to be used in a criminal investigation.
 - ii. Please also see: Art. 38.01 Subdivisions (3-a) and (3-b) Code of Criminal Procedure, TEXAS FORENSIC SCIENCE COMMISSION; Sec. 411.141 Government Code, DEFINITIONS; Sec. 411.142(g) Government Code, DNA DATABASE; Sec. 411.1431 Government Code, INCLUSION OF ELIMINATION SAMPLE IN DNA DATABASE PROHIBITED
 - iii. Author: Harris, Caroline | Hull
 - iv. Effective date: September 1, 2023
- Q. CODE OF CRIMINAL PROCEDURE Art. 18B.001(1) DEFINITIONS ([HB 4906](#))
- i. School peace officers are added to the list of individuals permitted to install and use tracking equipment to access certain communications.
 - ii. Author: Hefner
 - iii. Effective date: September 1, 2023
- R. CODE OF CRIMINAL PROCEDURE Ch. 7B PROTECTIVE ORDERS ([SB 48](#))
- i. The Office of Court Administration is now required to develop standardized forms and materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce a protective order, a magistrate's order for emergency protection, or a temporary ex parte order.
 - ii. Please also see: Art. 7B.001 Code of Criminal Procedure, APPLICATION FOR PROTECTIVE ORDER; Art. 7B.0021 Code of Criminal Procedure, STANDARD

TEMPORARY EX PARTE ORDER FORM; Art. 7B.003 Code of Criminal Procedure, REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER; Art. 17.292 Code of Criminal Procedure, MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION; Sec. 82.004 Family Code, CONTENTS OF APPLICATION; Sec. 83.007 Family Code, STANDARD TEMPORARY EX PARTE ORDER FORM; Sec. 85.0221 Family Code, STANDARD PROTECTIVE ORDER FORM; Sec. 72.039 Government Code, PROTECTIVE ORDER APPLICATIONS, FORMS, AND MATERIALS

- iii. Author: Zaffirini
 - iv. Effective immediately
- S. CODE OF CRIMINAL PROCEDURE Art. 38.24 STATEMENTS OBTAINED BY INVESTIGATIVE HYPNOSIS ([SB 338](#))
- i. Prohibits statements made during or after a hypnotic session from being used as admissible evidence in a criminal trial. Any physical evidence identified that independently corroborates the commission of a crime is admissible.
 - ii. Author: Hinojosa
 - iii. Effective date: September 1, 2023
- T. CODE OF CRIMINAL PROCEDURE Art. 2.122 SPECIAL INVESTIGATORS ([SB 602](#))
- i. U.S. Border Patrol Agents who have gone through certain training are granted with the power to arrest, search, and seize under any felony offense under state law that occurs at a port of entry or a border control traffic checkpoint and is incident to detainment under federal law.
 - ii. Please also see: Sec. 411.02093 Government Code, STATE CRIMINAL LAW TRAINING PROGRAM FOR BORDER PATROL AGENTS
 - iii. Author: Birdwell
 - iv. Effective date: September 1, 2023
- U. CODE OF CRIMINAL PROCEDURE Art. 56A.403 DUTIES OF PEACE OFFICERS REGARDING VICTIMS OF SEXUAL ASSAULT ([SB 806](#))
- i. Requires a peace officer who investigates an incident involving sexual assault, or who responds to a disturbance call that may involve sexual assault, to provide to the victim a written notice containing information about the additional rights afforded under state law to victims of sexual assault, indecent assault, stalking, or trafficking. Consultation with a local sexual assault program or response team is required to develop the notice.
 - ii. Please also see: Art. 56A.402 Code of Criminal Procedure, REFERRAL TO SEXUAL ASSAULT PROGRAM is repealed
 - iii. Author: Paxton
 - iv. Effective date: September 1, 2023
- V. CODE OF CRIMINAL PROCEDURE Sec. 51A.003 NOTICE TO VICTIMS ([SB 1325](#))
- i. The Health and Human Services Commission is required to create a form that will standardize the written notice provided by law enforcement to victims of family violence, stalking, harassment, or terroristic threat across Texas. Law

enforcement is mandated to provide this information to certain victims, and agencies may choose to include their own and/or local information.

- ii. Please also see: Art. 2.1398 Code of Criminal Procedure, DUTIES OF PEACE OFFICER INVESTIGATING STALKING, HARASSMENT, OR TERRORISTIC THREAT; Art. 5.04(b) Code of Criminal Procedure, DUTIES OF PEACE OFFICER INVESTIGATING STALKING, HARASSMENT, OR TERRORISTIC THREAT; Art. 5.04(c) Code of Criminal Procedure, DUTIES OF PEACE OFFICERS is repealed; Sec. 51.2825 Education Code, CERTAIN DUTIES OF CAMPUS PEACE OFFICER INVESTIGATING FAMILY VIOLENCE, STALKING, HARASSMENT, OR TERRORISTIC THREAT; Sec. 91.003 Family Code, INFORMATION PROVIDED BY MEDICAL PROFESSIONALS; Chapter 51A Human Resources Code, NOTICE TO VICTIMS OF FAMILY VIOLENCE, STALKING, HARASSMENT, OR TERRORISTIC THREAT
 - iii. Author: Alvarado
 - iv. Effective immediately
- W. CODE OF CRIMINAL PROCEDURE Art. 56A.306 PROCEDURES FOR TRANSFER AND PRESERVATION OF EVIDENCE ([SB 1401](#))
- i. The OAG Law Enforcement Request for Sexual Assault Exam form is no longer required starting 9/1/23. A law enforcement agency shall refer a victim of a sexual assault for a forensic medical examination if a sexual assault is reported to a law enforcement agency within 120 hours after the assault or, if the victim is a minor as defined by Section 101.003, Family Code, regardless of when the sexual assault is reported. A law enforcement agency may make the same referral with respect to any victim of a sexual assault who is not a minor and who does not report the sexual assault within the 120-hour period if the agency believes that a forensic medical examination may further a sexual assault investigation or prosecution. Reiterates that law enforcement agencies shall take possession of the evidence not later than the seventh day after the date the law enforcement agency receives notice, or not later than the fourteenth day if the facility or entity is more than 100 miles from the law enforcement agency, per Government Code 420.035(b) and (c).
 - ii. Please also see: Art. 38.435 Code of Criminal Procedure, PROHIBITED USE OF EVIDENCE FROM FORENSIC MEDICAL EXAMINATION PERFORMED ON VICTIM OF SEXUAL ASSAULT; Art. 56A.051(a) Code of Criminal Procedure, GENERAL RIGHTS; Art. 56A.052(a) Code of Criminal Procedure, ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL ASSAULT, INDECENT ASSAULT, STALKING, OR TRAFFICKING; Art. 56A.303 Code of Criminal Procedure, FORENSIC MEDICAL EXAMINATION; Art. 56A.304 Code of Criminal Procedure, PAYMENT OF FEES RELATED TO EXAMINATION; Art. 56A.3045 Code of Criminal Procedure, PAYMENT OF COSTS RELATED TO TESTIMONY; Art. 56A.305 Code of Criminal Procedure, PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE; Art. 56A.307 Code of Criminal Procedure, PROCEDURES FOR SUBMISSION OR COLLECTION OF ADDITIONAL EVIDENCE; Art. 56A.308(b) Code of Criminal Procedure, CONFIDENTIALITY OF CERTAIN RECORDS; Art. 56A.401 Code of Criminal Procedure, NOTIFICATION OF RIGHTS; Art. 56A.451(a)

Code of Criminal Procedure, NOTIFICATION OF RIGHTS; Art. 56B.107 Code of Criminal Procedure, DENIAL OR REDUCTION OF AWARD; Art. 56B.453(d) Code of Criminal Procedure, USE OF MONEY; Chapter 56A Subchapter F Code of Criminal Procedure, FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT VICTIM REPORTING ASSAULT is repealed; Art. 56A.306(d) Code of Criminal Procedure, PROCEDURES FOR TRANSFER AND PRESERVATION OF EVIDENCE is repealed; Sec. 57.002(a) Family Code, VICTIM'S RIGHTS; Sec. 501.174 Government Code, DEPARTMENT TO ADOPT POLICY; Sec. 241.1031(a) Health and Safety Code, PRESERVATION OF RECORD FROM FORENSIC MEDICAL EXAMINATION; Sec. 323.004(b) Health and Safety Code, MINIMUM STANDARDS FOR EMERGENCY SERVICES; Sec. 323.005(a) Health and Safety Code, INFORMATION FORM; Sec. 323.0051(a) Health and Safety Code, INFORMATION FORM FOR SEXUAL ASSAULT SURVIVORS AT CERTAIN FACILITIES; Sec. 323.0052(a) Health and Safety Code, INFORMATION FORM FOR SEXUAL ASSAULT SURVIVORS WHO HAVE NOT REPORTED ASSAULT; Sec. 323.054 Health and Safety Code, FORENSIC MEDICAL EXAMINATION BY SAFE PROGRAM; INFORMED CONSENT; Sec. 153.003(b) Occupations Code, RULES REGARDING MAINTENANCE OF PATIENT RECORDS

- iii. Author: Zaffirini | Paxton
 - iv. Effective date: September 1, 2023
- X. CODE OF CRIMINAL PROCEDURE Art. 56A.0525 AUTHORIZED FORM OF NOTIFICATIONS ([SB 2101](#))
- i. Law enforcement agencies are permitted to use automated or electronic means to provide notifications to crime victims at the victim's request.
 - ii. Please also see: Art. 56A.051(a) Code of Criminal Procedure, GENERAL RIGHTS; Art. 56A.052 Code of Criminal Procedure, ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL ASSAULT, INDECENT ASSAULT, STALKING, OR TRAFFICKING
 - iii. Author: Miles
 - iv. Effective date: September 1, 2023

Unit 7 Transportation Code

7.1 Identify changes to the Transportation Code.

- A. TRANSPORTATION CODE Sec. 504.945 WRONG, FICTITIOUS, ALTERED, OR OBSCURED LICENSE PLATE ([HB 2195](#))
- i. A person commits an offense if they attach or display a license plate on a vehicle that has any material that alters, covers, or obscures the letters, numbers, or color of the license plate. A first violation is a misdemeanor with a maximum fine of \$300. A subsequent violation is a misdemeanor with a maximum fine of \$600. Two or more violations constitute a Class B misdemeanor.
 - ii. Please also see: Sec. 548.051(a) Transportation Code, VEHICLES AND EQUIPMENT SUBJECT TO INSPECTION; Sec. 548.104(d) Transportation Code, EQUIPMENT-RELATED PREREQUISITES TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT
 - iii. Author: Noble

- iv. Effective date: September 1, 2023
- B. TRANSPORTATION CODE Sec. 681.011 OFFENSES; PRESUMPTION ([SB 904](#))
 - i. SB 904 amends the law relating to the offense of the unauthorized use of parking designated for persons with disabilities. As a result of changes during the 87th session, some judges stopped accepting citations for accessible parking violations if the space was not marked correctly using new standards established by TDLR. This bill enacts a minimum enforcement standard that allows for both the old and new standards.
 - ii. Author: Springer
 - iii. Effective Date: September 1, 2023
- C. TRANSPORTATION CODE Sec. 501.008(a) TITLE FOR AUTOCYCLE ([SB 1115](#))
 - i. Bill changes term of “steering wheel” to “steering mechanism,” requires autocycles be equipped with seatbelts, and exempts autocycles with partially or fully enclosed cabs from the state helmet requirement.
 - ii. Please also see: Sec. 502.005(a) Transportation Code, REGISTRATION OF AUTOCYCLE; Sec. 661.0015 Transportation Code, PROTECTIVE HEADGEAR FOR AUTOCYCLE
 - iii. Author: Hancock
 - iv. Effective Date: September 1, 2023
- D. TRANSPORTATION CODE Sec. 621.101(b-1) MAXIMUM WEIGHT OF VEHICLE OR COMBINATION ([SB 1364](#))
 - i. This bill amends a weight exception by allowing a vehicle powered primarily by natural gas or electric battery power to exceed the gross weight limitations imposed by up to 2,000 pounds so long as the gross weight of the vehicle does not exceed 82,000 pounds.
 - ii. Author: Alvarado
 - iii. Effective immediately
- E. TRANSPORTATION CODE Sec. 545.3051 REMOVAL OF PERSONAL PROPERTY FROM ROADWAY OR RIGHT-OF-WAY ([SB 1413](#))
 - i. Bill adds a fire department to the entities authorized to remove personal property from a roadway or a highway right-of-way without waiting for a law enforcement response if the property blocks the roadway or endangers public safety. Fire departments must develop policy for consultation with law enforcement regarding removal of property. The fire department must be staffed by full-time employees of the local government. This excludes volunteer fire departments.
 - ii. Please also see: Section 545.3051(a) Transportation Code, REMOVAL OF PERSONAL PROPERTY FROM ROADWAY OR RIGHT-OF-WAY
 - iii. Author: Johnson
 - iv. Effective immediately
- F. TRANSPORTATION CODE Sec. 521.1251 OPTIONAL HEALTH CONDITION OR DISABILITY DESIGNATION ([HB 656](#))

- i. Allows for an optional designation on a driver's license or ID card stating the holder of the license or card has a health condition or disability that may impede effective communication with a peace officer.
 - ii. Please also see: Sec. 521.060 Transportation Code, EMERGENCY CONTACT AND MEDICAL INFORMATION DATABASES
 - iii. Author: Hinojosa | LaMantia | Menéndez
 - iv. Effective date: September 1, 2023
- G. TRANSPORTATION CODE Sec. 724.032 OFFICER'S DUTIES FOR LICENSE SUSPENSION; WRITTEN REFUSAL REPORT ([HB 4528](#))
- i. The requirement that a peace officer take a person's driver's license into custody upon the refusal or failure of a blood or breath test for intoxication is eliminated. Persons who refuse to provide a breath or blood specimen or who provide a specimen over the limit should retain possession of their driver's license. Peace officers are also no longer required to issue a temporary driving permit.
 - ii. Please also see: Sec. 524.011 Transportation Code, OFFICER'S DUTIES FOR DRIVER'S LICENSE SUSPENSION; Sec. 524.032(d) Transportation Code, HEARING DATE; RESCHEDULING; Sec. 524.035(c) Transportation Code, HEARING; Sec. 724.041(c) Transportation Code, HEARING ON SUSPENSION OR DENIAL; Sec. 724.043(b) Transportation Code, FINDINGS OF ADMINISTRATIVE LAW JUDGE; Sec. 524.011(f) OFFICER'S DUTIES FOR DRIVER'S LICENSE SUSPENSION, 524.037(c) CONTINUANCE, and 724.032(e) OFFICER'S DUTIES FOR LICENSE SUSPENSION; WRITTEN REFUSAL REPORT, Transportation Code, are repealed; Sec. 2.005(b) Family Code, is PROOF OF IDENTITY AND AGE
 - iii. Author: Wilson
 - iv. Effective date: September 1, 2023
- H. TRANSPORTATION CODE Sec. 522.015 LICENSE OR PERMIT ISSUED BY OTHER JURISDICTION ([HB 4337](#))
- i. If an out-of-country CDL holder is not authorized to work in the United States under federal law, they may only operate a commercial motor vehicle in a county that borders Mexico.
 - ii. Please also see: Sec. 37.01(2) Penal Code, DEFINITIONS
 - iii. Author: Canales | Cook | Noble | Capriglione | Morales, Eddie
 - iv. Effective date: September 1, 2023
- I. TRANSPORTATION CODE Sec. 545.0605 OPERATION OF MOTORCYCLES ON ROADWAY LANED FOR TRAFFIC ([HB 4122](#))
- i. The operator of a motorcycle is entitled to full use of a traffic lane. Motorcycles are allowed to operate two side by side in a single lane. A motorcycle operator is prohibited from operating the motorcycle between lanes of traffic moving in the same direction or passing a motor vehicle while in the same lane as the vehicle being passed unless the operator is an officer performing official duties.
 - ii. Author: Guillen
 - iii. Effective date: September 1, 2023

- J. TRANSPORTATION CODE Sec. 522.003(5) DEFINITIONS ([HB 3646](#))
- i. This bill unifies state commercial driver’s license law with federal regulations regarding the definition of a “commercial motor vehicle”. The federal definition of “commercial motor vehicle” stipulates that the vehicle is used in commerce. Large vehicles that are not in commerce will no longer be defined as commercial motor vehicles for the purposes of commercial driver’s license law. Operators of larger vehicles not in commerce are still required to have the correct class of non-commercial driver’s license.
 - ii. Please also see: Sec. 522.021(a-1) Transportation Code, APPLICATION; OFFENSE; Sec. 522.0235(a) Transportation Code, ALTERNATIVE VISUAL STANDARDS FOR INTRASTATE DRIVER
 - iii. Author: Guillen
 - iv. Effective date: September 1, 2023
- K. TRANSPORTATION CODE Sec. 521.1601 DRIVER EDUCATION REQUIRED: EXCEPTION ([HB 3645](#))
- i. Modifies requirements for out of state license holders becoming Texas residents. If the out-of-state license includes authorization to operate a motorcycle, the license holder may obtain a Texas class M driver’s license without completing a motorcycle operator training course. If an out-of-state license holder is younger than 25 years of age, they may obtain a Texas driver’s license without completing a driver’s education program.
 - ii. Please also see: Sec. 521.148 Transportation Code, APPLICATION FOR CLASS M LICENSE OR AUTHORIZATION TO OPERATE MOTORCYCLE; Sec. 522.034 Transportation Code, APPLICATION FOR AUTHORIZATION TO OPERATE MOTORCYCLE; Sec. 521.1601 Transportation Code, DRIVER EDUCATION REQUIRED is repealed; Sec. 1001.055(a) Education Code, DRIVER EDUCATION CERTIFICATES AND CERTIFICATE NUMBERS
 - iii. Author: Guillen
 - iv. Effective date: September 1, 2023
- L. TRANSPORTATION CODE Sec. 544.010(c) STOP SIGNS AND YIELD SIGNS ([HB 3558](#))
- i. Clarifies where a driver must stop when approaching a stop sign. A driver is required to stop where there is a clearly marked line for stopping. In places where no clear line exists, a driver must stop short of the crosswalk. If there is not a stop line or a marked crosswalk, a driver must stop at the place nearest the intersection where they can see approaching traffic.
 - ii. Author: Perez
 - iii. Effective date: September 1, 2023
- M. TRANSPORTATION CODE Sec. 547.306(b) LED GROUND EFFECT LIGHTING EQUIPMENT ON MOTORCYCLE OR MOPED ([HB 3313](#))
- i. Clarifies that the only type of LED ground effect lighting permitted by law on motorcycles and mopeds are non-flashing amber or white lights.
 - ii. Author: Ordaz
 - iii. Effective date: September 1, 2023

- N. TRANSPORTATION CODE Sec. 548.051 VEHICLES AND EQUIPMENT SUBJECT TO INSPECTION, repealed ([HB 3297](#))
- i. Transportation Code is amended to eliminate regular mandatory vehicle safety inspections for non-commercial vehicles. Vehicles registered in counties subject to emissions inspection under the state's air quality state implementation plan will still have to undergo an emissions inspection within 90 days prior to registration application or renewal.
 - ii. Please also see: Sec. 502.0024 Transportation Code, EXTENDED REGISTRATION OF CERTAIN VEHICLES NOT SUBJECT TO INSPECTION; Sec. 502.0025 Transportation Code, EXTENDED REGISTRATION OF CERTAIN COUNTY FLEET VEHICLES; Sec. 502.047(a) Transportation Code, REGISTRATION-BASED ENFORCEMENT OF MOTOR VEHICLE INSPECTION REQUIREMENTS; Sec. 502.092(c) Transportation Code, NONRESIDENT-OWNED VEHICLES USED TO TRANSPORT FARM PRODUCTS; Sec. 502.094(e) Transportation Code, 72- OR 144-HOUR PERMITS; Sec. 502.146(d) Transportation Code, CERTAIN FARM VEHICLES AND DRILLING AND CONSTRUCTION EQUIPMENT; Sec. 547.601 Transportation Code, SAFETY BELTS REQUIRED; Sec. 548.001(10) Transportation Code, DEFINITIONS; Sec. 548.006(b) Transportation Code, ADVISORY COMMITTEE; Sec. 548.053 Transportation Code, is transferred to Subchapter E, Chapter 548, Transportation Code, redesignated as Sec. 548.255, Transportation Code, and amended REINSPECTION OF VEHICLE REQUIRING ADJUSTMENT, CORRECTION, OR REPAIR; Sec. 548.105 Transportation Code, is transferred to Subchapter E, Chapter 548, Transportation Code, and redesignated as Sec. 548.2521, Transportation Code, EVIDENCE OF FINANCIAL RESPONSIBILITY AS PREREQUISITE TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT; Sec. 548.203 Transportation Code, EXEMPTIONS; Sec. 548.257 Transportation Code, TIMING OF INSPECTION FOR REGISTRATION-BASED ENFORCEMENT; Sec. 548.505(a) Transportation Code, EMISSIONS-RELATED INSPECTION FEE; Sec. 548.508 Transportation Code, DISPOSITION OF FEES; Sec. 548.509 Transportation Code, COLLECTION OF FEE DURING REGISTRATION; Sec. 548.510 Transportation Code, FEE FOR CERTAIN VEHICLES NOT SUBJECT TO INSPECTION; COLLECTION OF FEE DURING REGISTRATION; Sec. 548.511 Transportation Code, VEHICLES NOT SUBJECT TO INSPECTION PROGRAM REPLACEMENT FEE; Sec. 548.603(a) Transportation Code, FICTITIOUS OR COUNTERFEIT INSPECTION CERTIFICATE OR INSURANCE DOCUMENT; Sec. 548.604(a) Transportation Code, PENALTY FOR CERTAIN VIOLATIONS; Sec. 731.101(a) Transportation Code, INSPECTION REQUIRED FOR ISSUANCE OF TITLE; Sec. 548.052 VEHICLES NOT SUBJECT TO INSPECTION Transportation Code is repealed; Sec. 548.101 GENERAL ONE-YEAR INSPECTION PERIOD, 548.102 TWO-YEAR INITIAL INSPECTION PERIOD FOR PASSENGER CAR OR LIGHT TRUCK, 548.103 EXTENDED INSPECTION PERIOD FOR CERTAIN VEHICLES, and 548.104 EQUIPMENT-RELATED PREREQUISITES TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT Transportation Code are repealed; Sec. 548.301(d) COMMISSION TO ESTABLISH PROGRAM and 548.3045(b) APPOINTMENT OF DECENTRALIZED FACILITY Transportation Code

are repealed; Sec. 548.501 INSPECTION FEES GENERALLY, 548.502 INSPECTION BY POLITICAL SUBDIVISION OR STATE AGENCY, and 548.503 INITIAL TWO-YEAR INSPECTION OF PASSENGER CAR OR LIGHT TRUCK Transportation Code are repealed; Sec. 382.0622(a) Health and Safety Code, CLEAN AIR ACT FEES; Sec. 382.202 Health and Safety Code, VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM; Sec. 382.203(c) Health and Safety Code, VEHICLES SUBJECT TO PROGRAM; EXEMPTIONS

- iii. Author: Harris, Cody | Harless | Goldman | Schaefer | Cain
 - iv. Effective date: January 1, 2025
- O. TRANSPORTATION CODE Sec. 601.231 SUSPENSION OF DRIVER'S LICENSE ([HB 3224](#))
- i. A person convicted for failure to maintain financial responsibility with a previous conviction would previously have their driver's license and vehicle registrations suspended if they did not file evidence of financial responsibility. Transportation Code is amended so that suspension of vehicle registration is no longer authorized by Section 601.231. A person can still have their driver's license suspended for failing to file proof of financial responsibility with DPS when required.
 - ii. Please also see: Sec. 601.232 Transportation Code, NOTICE OF SUSPENSION; Sec. 601.233(a) Transportation Code, NOTICE OF POTENTIAL SUSPENSION
 - iii. Author: Guillen
 - iv. Effective date: September 1, 2023
- P. TRANSPORTATION CODE Chapter 521, Subchapter F OPTIONAL DEAF OR HARD OF HEARING DESIGNATION ([HB 3132](#))
- i. Specifically allows an optional "deaf or hard of hearing" designation on Texas driver's licenses for individuals who are deaf and hard of hearing. This is intended to be a quicker notice for peace officers who interact with deaf or hard of hearing license holders.
 - ii. Please also see: Sections 521.060(a) and (c), Transportation Code EMERGENCY CONTACT AND MEDICAL INFORMATION DATABASES
 - iii. Author: Guerra | Anderson | Muñoz, Jr. | Plesa
 - iv. Effective date: September 1, 2023
- Q. TRANSPORTATION CODE Sec. 547.702 ADDITIONAL EQUIPMENT REQUIREMENTS FOR AUTHORIZED EMERGENCY VEHICLES ([HB 3125](#))
- i. Clarifies that white flashing lights are permitted for authorized emergency vehicles. Many emergency vehicles are already equipped with white flashing lights, but statute did not specifically permit their use.
 - ii. Author: Gámez
 - iii. Effective date: September 1, 2023
- R. TRANSPORTATION CODE Sec. 548.051 VEHICLES AND EQUIPMENT SUBJECT TO INSPECTION ([HB 3014](#))

- i. Electric vehicles that do not have an internal combustion engine are exempt from the emission and exhaust system inspection requirements during a state safety inspection.
 - ii. Author: Harris, Caroline
 - iii. Effective date: September 1, 2023
- S. TRANSPORTATION CODE Chapter 547, Subchapter L-1 ADDITIONAL LIGHTING EQUIPMENT AUTHORIZED FOR MEDICAL EXAMINER VEHICLES AND VEHICLES OPERATED BY JUSTICE OF THE PEACE IN CERTAIN CIRCUMSTANCES ([HB 2616](#))
 - i. Allows medical examiner vehicles and vehicles operated by Justice of the Peace to be equipped with flashing or alternating red or red and blue emergency lights to facilitate their response in certain circumstances. Requires traffic to yield the right-of-way to an approaching medical examiner vehicle or Justice of the Peace utilizing red or red and blue emergency lights as if the vehicle were an emergency vehicle.
 - ii. Please also see: Section 545.156, Transportation Code VEHICLE APPROACHED BY AUTHORIZED EMERGENCY VEHICLE
 - iii. Author: Vasut
 - iv. Effective date: September 1, 2023
- T. TRANSPORTATION CODE ([HB 2190](#))
 - i. Removes the word “accident” in Texas' Transportation Code and replaces it with “collision.”
 - ii. Please see: HB 2190 amends numerous Sections of Transportation Code.
 - iii. Author: Canales
 - iv. Effective date: September 1, 2023
- U. TRANSPORTATION CODE Sec. 546.002(a) WHEN CONDUCT PERMISSIBLE ([HB 64](#))
 - i. Expands the list of peace officers authorized to conduct a police escort.
 - ii. Author: Landgraf
 - iii. Effective date: September 1, 2023
- V. TRANSPORTATION CODE Sec. 545.001(2) DEFINITIONS ([HB 3126](#))
 - i. Clarifies that to meet the definition of “pass” or “passing” a driver must return or intend to return to the original lane of travel.
 - ii. Author: Gámez
 - iii. Effective date: September 1, 2023
- W. TRANSPORTATION CODE Sec. 545.420(i) RACING ON HIGHWAY; IMPOUNDMENT OF A VEHICLE ([HB 2899](#))
 - i. Peace officers are required to impound vehicles used in street racing or reckless driving regardless of whether the offense results in an accident with property damage or bodily injury.
 - ii. Author: Plesa | Frazier | Johnson, Ann | Manuel | Bowers
 - iii. Effective immediately

- X. TRANSPORTATION CODE Sec. 548.054 INSPECTION OF CERTAIN TRAVEL TRAILERS BY OWNER ([HB 198](#))
- i. In lieu of a state inspection at an inspection station, the owners of travel trailers subject to state vehicle inspection requirements are allowed to self-inspect the travel trailer and submit an affidavit to the Department of Motor Vehicles stating the vehicle is in proper and safe condition.
 - ii. Please also see: Sec. 548.510(a) Transportation Code, FEE FOR CERTAIN VEHICLES NOT SUBJECT TO INSPECTION; COLLECTION OF FEE DURING REGISTRATION
 - iii. Author: Noble | Cook
 - iv. Effective date: September 1, 2023
- Y. TRANSPORTATION CODE Ch. 521 Subchapter L OCCUPATIONAL DRIVER'S LICENSE ([HB 291](#))
- i. An occupational license may be issued to person who is unlicensed and who is ineligible to obtain a license due to a suspension order. An occupational license may be issued to a person who holds an out-of-state license that is suspended, revoked, or canceled for a reason other than a physical or mental disability. Clarifies a commercial motor vehicle cannot be operated with an occupational license.
 - ii. Please also see: Sec. 521.001(a)(3) Transportation Code, DEFINITIONS; Sec. 521.320(e) Transportation Code, SUSPENSION FOR CERTAIN CRIMINAL MISCHIEF; LICENSE DENIAL; Sec. 521.342(c) Transportation Code, PERSON UNDER 21 YEARS OF AGE; Sec. 521.350(c) Transportation Code, SUSPENSION FOR OFFENSE RELATING TO RACING OF MOTOR VEHICLE ON PUBLIC HIGHWAY OR STREET; Sec. 521.377(b) Transportation Code, LICENSE REINSTATEMENT; Sec. 521.421(d) Transportation Code, LICENSE FEES; EXAMINATION FEES; Sec. 601.332 Transportation Code, SUSPENSION OF DRIVER'S LICENSE AND VEHICLE REGISTRATION OR NONRESIDENT'S OPERATING PRIVILEGE FOR UNSATISFIED JUDGMENT; Sec. 706.005(a) Transportation Code, CLEARANCE NOTICE TO DEPARTMENT; Sec. 524.022(d) Transportation Code, PERIOD OF SUSPENSION is repealed; Sec. 54.042(e) Family Code, LICENSE SUSPENSION; Sec. 75.014(e) Government Code, EL PASO COUNCIL OF JUDGES; Sec. 123.009 Government Code, OCCUPATIONAL DRIVER'S LICENSE
 - iii. Author: Murr
 - iv. Effective date: September 1, 2023
- Z. TRANSPORTATION CODE Sec. 503.0671 UNAUTHORIZED USE OR DISTRIBUTION OF DEALER-ISSUED LICENSE PLATE ([HB 718](#))
- i. The unauthorized use or distribution of dealer-issued license plates by a dealer is now an offense under Section 503.0671. One-trip permits, 30-day permits, dealer temporary tags, and buyer's temporary tags will be replaced by a metal license plate or plates. Upon the sale of a vehicle at a dealership the dealer will be responsible for issuing and affixing a dealer-issued license plate or plates to

the vehicle. 30-day license plates will not be required to obtain a state inspection.

- ii. Please also see: Sec. 501.022(d) Transportation Code, MOTOR VEHICLE TITLE REQUIRED; Sec. 501.0236 Transportation Code, ISSUANCE OF TITLE AND PERMITS WHEN DEALER GOES OUT OF BUSINESS; Sec. 502.095 Transportation Code, ONE-TRIP OR 30-DAY TRIP PERMITS; Sec. 501.147 Transportation Code, VEHICLE TRANSFER NOTIFICATION; Sec. 502.410(b) Transportation Code, FALSIFICATION OR FORGERY; Sec. 503.008(a) Transportation Code, FEES FOR LICENSE PLATES; Sec. 503.038 Transportation Code, CANCELLATION OF GENERAL DISTINGUISHING NUMBER; Sec. 503.061(a) Transportation Code, DEALER'S LICENSE PLATES; Sec. 503.0618 Transportation Code, CONVERTER'S LICENSE PLATES; Sec. 503.062(a) Transportation Code, DEALER'S TEMPORARY TAGS; Sec. 503.063 Transportation Code, BUYER'S TEMPORARY TAGS; Sec. 503.0631 Transportation Code, BUYER'S TEMPORARY TAG DATABASE; Sec. 503.0633 Transportation Code, DEPARTMENT REGULATION OF DEALER-ISSUED LICENSE PLATES AND ACCESS TO DATABASE OF DEALER-ISSUED LICENSE PLATES; Sec. 503.065 Transportation Code, BUYER'S OUT-OF-STATE LICENSE PLATES; Sec. 503.066(d) Transportation Code, APPLICATION FOR DEALER'S OR MANUFACTURER'S LICENSE PLATES; Sec. 503.068 Transportation Code, LIMITATION ON USE OF DEALER'S LICENSE PLATES; Sec. 503.069(a) Transportation Code, DISPLAY OF LICENSE PLATES; Sec. 504.901 Transportation Code, TRANSFER OF LICENSE PLATES; Sec. 520.0055 Transportation Code, DUTIES OF MOTOR VEHICLE DEALERS; Sec. 548.052 Transportation Code, VEHICLES NOT SUBJECT TO INSPECTION; Sec. 601.002(12) Transportation Code, DEFINITIONS; The following provisions of the Transportation Code are repealed: Sec. 502.092 Transportation Code, NONRESIDENT-OWNED VEHICLES USED TO TRANSPORT FARM PRODUCTS is repealed; Sec. 502.477 Transportation Code, NONRESIDENT-OWNED VEHICLES USED TO TRANSPORT AGRICULTURAL PRODUCT; OFFENSE is repealed; Sec. 503.062(d) Transportation Code, DEALER'S TEMPORARY TAGS is repealed; Sec. 503.0625 Transportation Code, CONVERTER'S TEMPORARY TAGS is repealed; Sec. 503.0626 Transportation Code, DEALER'S AND CONVERTER'S TEMPORARY TAG DATABASE is repealed; Sec. 503.0632 Transportation Code, DEPARTMENT REGULATION OF TEMPORARY TAGS AND ACCESS TO TEMPORARY TAG DATABASES is repealed; Sec. 503.067 Transportation Code, UNAUTHORIZED REPRODUCTION, PURCHASE, USE, OR SALE OF TEMPORARY TAGS is repealed; Sec. 503.068(a) Transportation Code, LIMITATION ON USE OF DEALER'S LICENSE PLATES AND TAGS is repealed; Sec. 503.094(d) Transportation Code, CRIMINAL PENALTY is repealed; Sec. 504.901(c), (d), and (e) Transportation Code, TRANSFER AND REMOVAL OF LICENSE PLATES are repealed; Sec. 152.027(a) Tax Code, TAX ON DEALER PLATES; Sec. 152.042 Tax Code, COLLECTION OF TAX ON DEALER'S LICENSE PLATES
- iii. Author: Goldman |Turner |Johnson, Ann |Oliverson |Plesa |Thimesch |Toth
- iv. Effective date: July 1, 2025

- AA. TRANSPORTATION CODE Sec. 545.157 PASSING CERTAIN VEHICLES ([HB 898](#))
 - i. A first offense or violation of the Slow Down/Move Over law carries a fine of \$500 to \$1,250. A second or subsequent offense within five years will carry a fine of \$1,000 to \$2,000. The offense is a Class A misdemeanor if the violation results in bodily injury to another and a state jail felony for a second or subsequent conviction for an offense that causes bodily injury to another.
 - ii. Author: Stucky | Frazier | Lujan | Spiller | Harless
 - iii. Effective date: September 1, 2023
- BB. TRANSPORTATION CODE Sec. 552.006(b) USE OF SIDEWALK ([HB 1277](#))
 - i. Clarifies if a sidewalk is provided, pedestrians walking along a highway are required to use the sidewalk. If a sidewalk is not provided, a pedestrian walking along and on a highway is required to walk on the left side of the roadway or shoulder facing oncoming traffic unless the left side of the roadway or the shoulder of the highway facing oncoming traffic is obstructed or unsafe.
 - ii. Author: Cain | Moody | Collier | Thompson, Senfronia | Patterson
 - iii. Effective date: September 1, 2023
- CC. TRANSPORTATION CODE Sec. 681.011 OFFENSES; PRESUMPTION ([HB 1633](#))
 - i. It is now an offense for vehicles with a disabled veteran license plate to use disabled parking spaces without an international symbol of access displayed. Fines are enhanced for subsequent convictions. A first conviction may be dismissed if the violator obtains a disabled veteran license plate bearing the international symbol within six months of the date of the offense.
 - ii. Ortega | Raney | Lopez, Ray | Gámez
 - iii. Effective date: September 1, 2023
- DD. TRANSPORTATION CODE Sec. 545.353 AUTHORITY OF TEXAS TRANSPORTATION COMMISSION TO ALTER SPEED LIMITS ([HB 1885](#))
 - i. Establishes a variable speed limit program temporarily lowering speed limits up to 10 mph below due to inclement weather, congestion, road construction, or any other condition affecting traffic safety. Change in speed limit must be posted between 500 and 1000 feet of where the lower speed limit begins.
 - ii. Author: Canales
 - iii. Effective immediately

Unit 8 Miscellaneous Codes

8.1 Identify changes to additional codes.

- A. Alcoholic Beverage Code
 - i. ALCOHOLIC BEVERAGE CODE Sec. 106.06 PURCHASE OF ALCOHOL FOR A MINOR; FURNISHING ALCOHOL TO A MINOR ([HB 420](#))
 - 1. It is a Class A misdemeanor for a person to purchase an alcoholic beverage for a minor or give an alcoholic beverage to a minor. This is enhanced to a state jail felony if the purchase or gift of alcohol to the minor, who then

consumes said alcohol, causes serious bodily injury or death to another person.

2. Author: Slawson
3. Effective date: September 1, 2023

ii. ALCOHOLIC BEVERAGE CODE Sec. 106.12 EXPUNCTION OF CONVICTION OR ARREST RECORDS OF A MINOR ([SB 1725](#))

1. First time minor offenders with multiple violations linked to one incident can now have the entire incident expunged from their record. If a minor was arrested for multiple violations based on a single incident or event, but was not convicted, that arrest and all violations related to the event are eligible for expunction. If the minor was arrested for any other event leading to a violation of the Alcoholic Beverage Code, the arrest is no longer eligible.
2. Author: Hughes
3. Effective date: September 1, 2023

B. Government Code

i. GOVERNMENT CODE Sec. 411.1355 CENTRAL DATABASE OF OFFENDERS WHO HAVE COMMITTED CERTAIN VIOLENT OFFENSES ([HB 5202](#))

1. DPS now required to maintain a central database of offenders, with specific details on offenders who on two or more occasions have been convicted of assault and/or sexual assault (aggravated or otherwise), continuous violence against the family or stalking, or any combination of these offenses. This database is open to the public.
2. Please also see: Sec. 411.088(b) Government Code, FEES; Sec. 411.135(a) Government Code, ACCESS TO CERTAIN INFORMATION BY PUBLIC
3. Author: Neave Criado | Button | Meyer | Anchía | Goodwin
4. Effective immediately

ii. GOVERNMENT CODE Sec. 411.054 INCIDENT-BASED CRIME STATISTICS REPORTING BY LOCAL LAW ENFORCEMENT AGENCIES ([HB 4879](#))

1. The National Incident-Based Reporting System (NIBRS) is now the default reporting system for information and statistics on crime within the state. DPS is responsible for implementing the NIBRS system, and a “Texas Crime Information System” is now established.
2. Please also see: Sec. 411.0541 Government Code, TEXAS CRIME INFORMATION SYSTEM
3. Author: Holland
4. Effective date: September 1, 2023

iii. GOVERNMENT CODE Sec. 552.108 EXCEPTION: CERTAIN LAW ENFORCEMENT, CORRECTIONS, AND PROSECUTORIAL INFORMATION ([HB 30](#))

1. Specifies that information regarding a crime that did not result in conviction or deferred adjudication is public information if a person described in the

information was deceased or incapacitated. This specification excludes records including peace officers.

2. Author: Moody | Burrows | Slawson | Metcalf | Turner
3. Effective date: September 1, 2023

iv. GOVERNMENT CODE Sec. 614.015 MENTAL HEALTH LEAVE FOR PEACE OFFICERS ([HB 1486](#))

1. Mental health leave for peace officers is extended to apply to telecommunicators.
2. Author: Gerdes | Orr | Plesa
3. Effective date: September 1, 2023

v. GOVERNMENT CODE Sec. 552.108(c) EXCEPTION: CERTAIN LAW ENFORCEMENT, CORRECTIONS, AND PROSECUTORIAL INFORMATION ([HB 3033](#))

1. A governmental body must promptly release basic information about an arrested person, an arrest, or a crime in response to a public information request unless the body sought to withhold the information under another provision of applicable statute regardless of whether the body requested an attorney general decision regarding other information subject to the request. The OAG must render a decision within 30 business days following the request and may not extend this deadline. Within 15 days after the date of the OAG's decision, the governmental body must inform the person who requested the information of withholding or produce the information that is the subject of the decision.
2. Please also see: Sec. 552.0031 Government Code, BUSINESS DAYS; Sect. 552.012 Government Code, OPEN RECORDS TRAINING; Sec. 552.103 Government Code, EXCEPTION: LITIGATION OR SETTLEMENT NEGOTIATIONS INVOLVING THE STATE OR A POLITICAL SUBDIVISION; Sec. 552.163 Government Code, EXCEPTION: CONFIDENTIALITY OF CERTAIN ATTORNEY GENERAL SETTLEMENT NEGOTIATIONS; Sec. 552.271 Government Code, INSPECTION OF PUBLIC INFORMATION IN PAPER RECORD IF COPY NOT REQUESTED; Sec. 552.272 Government Code, INSPECTION OF ELECTRONIC RECORD IF COPY NOT REQUESTED; Sec. 552.275 Government Code, REQUESTS THAT REQUIRE LARGE AMOUNTS OF EMPLOYEE OR PERSONNEL TIME; Sec. 552.3031 Government Code ELECTRONIC SUBMISSION OF REQUEST FOR ATTORNEY GENERAL DECISION; Sec. 552.306 Government Code, RENDITION OF ATTORNEY GENERAL DECISION; ISSUANCE OF WRITTEN OPINION; Sec. 552.308 Government Code, TIMELINESS OF ACTION BY UNITED STATES MAIL, INTERAGENCY MAIL, OR COMMON OR CONTRACT CARRIER; Sec. 552.310 Government Code, SEARCHABLE DATABASE.
3. Author: Landgraf | Cain
4. Effective date: September 1, 2023

- vi. GOVERNMENT CODE Sec. 411.3555 LOCAL AREA ACTIVATION FOR CERTAIN MISSING CHILDREN; ([HB 3556](#))
 - 1. A request for an amber alert may be made by a local law enforcement agency that knows a child who is missing, but for which not all required criteria has been verified. The chief law enforcement officer of the local law enforcement agency must also believe that activation of the alert system is warranted. The alert may be activated within a 100-mile radius of the location where the child went missing and in all adjacent counties.
 - 2. Please also see: Sec. 411.356 Government Code, LOCAL LAW ENFORCEMENT AGENCIES
 - 3. Author: Stucky | Harless | Meyer | Garcia
 - 4. Effective immediately

- vii. GOVERNMENT CODE Sec. 72.154(a) PUBLIC ACCESS TO PROTECTIVE ORDER REGISTRY ([HB 3698](#))
 - 1. Access to the protective order registry is expanded to include common misspellings and any known aliases of a person who is the subject of a protective order. Magistrates are allowed restricted access to protective orders or applications for protective orders.
 - 2. Please also see: Sec. 72.155 Government Code, RESTRICTED ACCESS TO PROTECTIVE ORDER REGISTRY
 - 3. Author: Landgraf
 - 4. Effective date: September 1, 2023

- viii. GOVERNMENT CODE Chapter 425 PEACE OFFICER WELLNESS PROGRAM ([HB 3858](#))
 - 1. Allows law enforcement agencies to create a proactive wellness program for officers following traumatic incidents and creates a cost reimbursement fund for agencies implementing a wellness program.
 - 2. Author: Frazier | Plesa | Bumgarner | Lopez, Janie | Lujan
 - 3. Effective date: September 1, 2023

- ix. GOVERNMENT CODE Sec. 411.1471 DNA RECORDS OF PERSONS ARRESTED FOR OR CONVICTED OF CERTAIN OFFENSES ([HB 3956](#))
 - 1. The creation of DNA records is expanded to specify that all suspects arrested for a felony are required to provide a DNA sample upon being booked into jail. The onus of collecting DNA is changed from the arresting agency to the booking agency. Upon acquittal, dismissal, or expunction of the offense, the DNA record must be immediately destroyed and removed from the database.
 - 2. Please also see: Sec. 411.151(a) Government Code, EXPUNCTION OR REMOVAL OF DNA RECORDS; Sec. 411.151(b) Government Code, EXPUNCTION OR REMOVAL OF DNA RECORDS is repealed; Article 55.01 Code of Criminal Procedure, RIGHT TO EXPUNCTION; Article 55.02 Code of Criminal Procedure, PROCEDURE FOR EXPUNCTION

3. Author: Smith | Cook
 4. Effective date: September 1, 2023
- x. GOVERNMENT CODE Sec. 420.0431 DUTIES FOLLOWING DATABASE DNA MATCH ([HB 4628](#))
1. Law enforcement agencies and the Department of Public Safety must provide additional information regarding a DNA match to a crime laboratory when comparing certain DNA profiles no later than the fifth business day after a request was made.
 2. Please also see: Sec. 420.043 Government Code, DATABASE COMPARISON REQUIRED; Sec. Government Code, 420.0432 SURVIVOR NOTIFICATION CONCERNING DATABASE DNA MATCH
 3. Author: Huffman
 4. Effective date: September 1, 2023
- xi. GOVERNMENT CODE Sec. 2054.603 SECURITY INCIDENT NOTIFICATION BY STATE AGENCY OR LOCAL GOVERNMENT ([SB 271](#))
1. Local entities are now required to report cyberattacks that do not involve data breaches as security incidents to Texas Department of Information Resources, in the same manner as state agencies. An example of such a cyberattack is distributed denial of service attack.
 2. Author: Johnson
 3. Effective date: September 1, 2023
- xii. GOVERNMENT CODE Sec. 411.02093 BORDER OPERATIONS TRAINING PROGRAM ([SB 1484](#))
1. The Department of Public Safety to administer a specialized training program to prepare law enforcement officers to interdict, investigate, and prosecute criminal activity on the border.
 2. Please also see: Sec. 1701.359 Occupations Code, BORDER OPERATIONS TRAINING PROGRAM
 3. Author: Creighton
 4. Effective date: September 1, 2023
- xiii. GOVERNMENT CODE Chapter 620 USE OF CERTAIN SOCIAL MEDIA APPLICATIONS AND SERVICES ON GOVERNMENTAL ENTITY DEVICES PROHIBITED ([SB 1893](#))
1. Services and “covered applications” such as TikTok are now prohibited to use on government leased or owned devices due to potential security risks. Government entities are to adopt a policy prohibiting the installation of such applications within 60 days after DIR and DPS develop and make available a model policy. Exceptions to this prohibition exist for law enforcement departments for investigative purposes; law enforcement agencies must document the use of measures to mitigate risks to the state when an exception is made.

2. Author: Birdwell
3. Effective immediately

xiv. GOVERNMENT CODE Sec. 772.0079 GRANT PROGRAM FOR CRIME VICTIM NOTIFICATION SYSTEMS ([SB 2085](#))

1. A grant fund has been established within the Office of the Governor's Criminal Justice Division in order to help law enforcement agencies implement an electronic notification system that informs victims of their rights and provides them with important data related to their matter. Specificities of what the notifications will provide in terms of information and guidelines for the program are found in the statute.
2. Author: Whitmire
3. Effective date: September 1, 2023

C. Local Government Code

i. LOCAL GOVERNMENT CODE Sec. 177A.003 LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE ([HB 471](#))

1. A peace officer shall be provided a leave of absence for an illness or injury related to the person's line of duty. The leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. After recovery from a temporary disability, a peace officer shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave.
2. Please also see: Sec. 177A.001 Local Government Code, DEFINITIONS; Sec. 177A.002 Local Government Code, EFFECT ON LABOR AGREEMENTS; Sec. 177A.004 Local Government Code, RETURN TO DUTY; Sec. 504.051(a) Labor Code, OFFSET AGAINST PAYMENTS FOR INCAPACITY
3. Author: Patterson | Capriglione | Burrows | Canales | Lujan
4. Effective immediately

ii. LOCAL GOVERNMENT CODE Sec. 143.023(c) ELIGIBILITY FOR BEGINNING POSITION, repealed ([HB 1661](#))

1. The age limit for a beginning position in a police department has been repealed; people who are 45 years of age or older are no longer prohibited from being certified for a beginning position in a police department.
2. Please also see: Sec. 143.083(a) Local Government Code, EMERGENCY APPOINTMENT OF TEMPORARY FIRE FIGHTERS AND POLICE OFFICERS; Sec. 143.084 Local Government Code, CIVIL SERVICE STATUS AND PENSION BENEFITS FOR CERTAIN FIRE FIGHTERS AND POLICE OFFICERS
3. Author: Burns
4. Effective date: September 1, 2023

D. Education Code

- i. EDUCATION CODE Sec. 25.0344 TRANSFER OF STUDENTS WHO ARE CHILDREN OF PEACE OFFICERS ([HB 1959](#))
 - 1. Peace officers are now allowed to transfer their child to another school district or campus of their choosing. A school district is not required to provide transportation to a student who transfers to another campus or school district under this section.
 - 2. Author: Morales, Eddie | Plesa
 - 3. Effective immediately
 - ii. EDUCATION CODE Sec. 37.152(a) PERSONAL HAZING OFFENSE ([SB 37](#))
 - 1. Reports of hazing can now be made to law enforcement. Immunity for reporting hazing also extends to corporations and other entities that support student organizations.
 - 2. Please also see: Sec. 37.155(b) Education Code, IMMUNITY FROM PROSECUTION OR CIVIL LIABILITY AVAILABLE
 - 3. Author: Zaffirini
 - 4. Effective date: September 1, 2023
 - iii. EDUCATION CODE Sec. 37.0021 USE OF CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT ([SB 133](#))
 - 1. School law enforcement/school security are now prohibited from using a Conducted Energy Device (CED) or Oleoresin capsicum spray (pepper spray) against a child in 5th grade or below unless at risk of serious bodily injury.
 - 2. Please also see: Section 37.0021(b) Education Code, USE OF CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT
 - 3. Author: West
 - 4. Effective immediately
- E. Border Safety
- i. GOVERNMENT CODE Ch. 794 INTERSTATE COMPACT FOR BORDER SECURITY ([SB 1403](#))
 - 1. Requires the compact authorized to provide for joint action among compacting states on matters such as sharing law enforcement intelligence on illegal activity at the Mexico border and sharing state resources to deter or detect illegal activity and the Mexico border.
 - 2. Author: Parker
 - 3. Effective date: September 1, 2023
- F. Family Code
- i. FAMILY CODE Sec. 261.104 CONTENTS OF REPORT; NOTICE ([HB 63](#))
 - 1. Established as a new law, a person who is making a report of abuse and neglect must identify four key points of information; the person's name, telephone number, their home address (unless they are a mandatory reporter which defaults to their place of work/profession), and the facts that

led the person to believe a child had been abused or neglected. If a person makes a report orally to DFPS or law enforcement, the agency receiving the report must make an audio recording of the report, advise the caller that it is being recorded, and advise that making a false report is an offense.

2. Please also see: Sec. 261.201 Family Code, CONFIDENTIALITY AND DISCLOSURE OF INFORMATION; Sec. 261.304(a) Family Code, INVESTIGATION OF ANONYMOUS REPORT; Sec. 261.307 Family Code, INFORMATION RELATING TO INVESTIGATION PROCEDURE AND CHILD PLACEMENT RESOURCES
 3. Authors: Swanson | Noble | Hull | Oliverson | Klick
 4. Effective date: September 1, 2023
- ii. FAMILY CODE Sec. 83.0025 ENFORCEMENT OF TEMPORARY EX PARTE ORDER ([HB 660](#))
1. Law enforcement agencies are now required to enter protective orders by the next business day. Furthermore, a temporary ex parte order is now enforceable to the same extent as a final protective order.
 2. Please also see: Sec. 86.001(b) Family Code, REQUIREMENTS FOR TEMPORARY EX PARTE ORDER; Sec. 86.0011(a) Family Code, REQUIREMENTS FOR TEMPORARY EX PARTE ORDER; Sec. 87.004(b) Family Code, CHANGE OF ADDRESS OR TELEPHONE NUMBER
 3. Author: Cook
 4. Effective date: September 1, 2023
- iii. FAMILY CODE Sec. 85.025 DURATION OF PROTECTIVE ORDER ([HB 1423](#))
1. DPS is now required to update protective order expirations for people who are currently imprisoned and set to be released, on the day of their release. It must specify when the order expires and must provide notice of any extensions that could apply to the person set to be released.
 2. Please also see: Sec. 85.026 Family Code, WARNING ON PROTECTIVE ORDER
 3. Author: Campos | Morales, Eddie | Garcia
 4. Effective date: September 1, 2023
- iv. FAMILY CODE Sec. 81.001 ENTITLEMENT TO PROTECTIVE ORDER ([HB 1432](#))
1. The condition for family violence to “likely [to] occur in the future” before issuance of a family violence protective order is removed. This keeps the protective orders for family violence victims to the same standard as protective orders for stalking victims, sexual assault victims, and human trafficking victims.
 2. Please also see: Sec. 81.0015 Family Code, PRESUMPTION; Sec. 85.001 Family Code, REQUIRED FINDINGS AND ORDERS; Sec. 85.002 Family Code, EXCEPTION FOR VIOLATION OF EXPIRED PROTECTIVE ORDER; Sec. 85.025(a-1) Family Code, DURATION OF PROTECTIVE ORDER; Art. 7B.052 Code of Criminal Procedure, REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER;

Art. 7B.102 Code of Criminal Procedure, REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER

3. Author: Lopez, Janie | Plesa
4. Effective date: September 1, 2023

v. FAMILY CODE Sec. 261.3105 TRAINING PROGRAM FOR PERSONS INVESTIGATING SUSPECTED CHILD ABUSE OR NEGLECT ([SB 1447](#))

1. The Department of Family and Protective Services shall develop a training program for each person who investigates any instance of suspected child abuse or neglect at the state or local level and the investigative supervisor of the person.
2. Author: Miles
3. Effective date: September 1, 2023

G. Occupations Code

i. OCCUPATIONS CODE Sec. 1702.333 CERTAIN VOLUNTEERS ([HB 1133](#))

1. With departmental consent, a peace officer who volunteers to provide security at a church or certain school events may wear their department uniform or another uniform or badge that gives the appearance of being a peace officer.
2. Author: Spiller | Harless
3. Effective date: September 1, 2023

ii. OCCUPATIONS CODE Sec. 455.252 EMERGENCY ORDER ([HB 3579](#))

1. Relating to the regulation of massage therapists and massage establishments by the Texas Department of Licensing and Regulation, the TDLR is permitted to issue an emergency order to halt operations in certain circumstances, such as notice by a law enforcement agency of a human trafficking investigation.
2. Please also see: Sec. 455.005 Occupations Code, EFFECT ON LOCAL LAW
3. Author: Bumgarner
4. Effective date: September 1, 2023

H. Labor Code

i. LABOR CODE Sec. 21.1095 RACIAL DISCRIMINATION BASED ON HAIR TEXTURE OR PROTECTIVE HAIRSTYLE ([HB 567](#))

1. Adds consideration of hair texture and protective hairstyle that include braids, locks, and twists traditionally associated with race to existing prohibitions on racial discrimination. Requiring an employee to alter such a hairstyle would be an unlawful employment practice.
2. Please also see: Sec. 25.902 Education Code, PROHIBITION ON CERTAIN DISCRIMINATION IN STUDENT DRESS OR GROOMING POLICY; Sec. 51.979 Education Code, PROHIBITION ON CERTAIN DISCRIMINATION IN STUDENT DRESS OR GROOMING POLICY; Sec. 301.0045 Property Code, RACIAL DISCRIMINATION BASED ON HAIR TEXTURE OR PROTECTIVE HAIRSTYLE

3. Author: Bowers | Rose | Reynolds | Sherman, Sr. | Buckley
 4. Effective date: September 1, 2023
- ii. LABOR CODE Sec. 408.182(d-2) DISTRIBUTION OF DEATH BENEFITS ([HB 2314](#))
 1. Individuals are allowed to file for death benefits through an insurance carrier, not just through the division of Workers' Compensation.
 2. Please also see: Sec. 409.007 Labor Code, DEATH BENEFIT CLAIMS
 3. Author: Canales
 4. Effective date: Effective immediately
 - iii. LABOR CODE Sec. 401.026 APPLICABILITY TO CERTAIN EMERGENCY RESPONSE PERSONNEL ([HB 3335](#))
 1. If seriously injured during travel to an emergency call, coverage by workers compensation is extended to peace officers.
 2. Author: Canales
 3. Effective immediately
- I. Business & Commerce Code
- i. BUSINESS & COMMERCE CODE Chapter 503A DIRECT-TO-CONSUMER GENETIC TESTING COMPANIES; RIGHTS REGARDING DNA ([HB 2545](#))
 1. The use of direct-to-consumer genealogical testing and analysis is restricted, impacting law enforcement investigations with the release of genetic data from certain genetic testing companies prohibited without a warrant or express written consent. A violation of this restriction authorizes a civil penalty.
 2. Author: Capriglione | Harris, Caroline | Oliverson | Morales, Eddie
 3. Effective date: September 1, 2023
- J. Property Code
- i. PROPERTY CODE Sec. 93.013(a) CERTAIN UNLAWFUL USES OF PREMISES; TERMINATION OF TENANT'S RIGHT OF POSSESSION ([HB 3536](#))
 1. Landlords are permitted to evict a tenant operating a massage establishment that is not in compliance with state law relating to massage therapy or an applicable local ordinance relating to the licensing or regulation of a massage establishment.
 2. Author: Manuel
 3. Effective date: September 1, 2023
- K. Human Resources Code
- i. HUMAN RESOURCES CODE Sec. 48.2535 FORWARDING CERTAIN REPORTS OF CRIMINAL CONDUCT TO LAW ENFORCEMENT ([SB 576](#))
 1. DFPS is responsible for investigations of reported abuse, neglect, or exploitation, and are required to notify law enforcement and provide a copy of the investigation if they have cause to believe the victim was abused,

neglected, or exploited in a manner that constitutes a criminal offense. This includes reports for financial abuse of elderly individuals. There is a rebuttable presumption created under PC 32.55 to address the situations where a caretaker claims the elderly person they are taking care of "loaned" or "gifted" them the money. This presumption applies if the person knew or should have known the elderly individual had been diagnosed with dementia or a related disorder.

2. Please also see: Sec. 48.1522(a) Human Resources Code, REPORTS OF CRIMINAL CONDUCT TO LAW ENFORCEMENT AGENCY; Sec. 32.55 Penal Code, FINANCIAL ABUSE OF ELDERLY INDIVIDUAL
3. Author: Menéndez
4. Effective date: September 1, 2023

ii. HUMAN RESOURCES CODE Sec. 40.082 REPORT OF CRIMINAL CONDUCT; PENALTY ([SB 182](#))

1. It is now a Class A misdemeanor offense for an employee or contractor of DFPS or TJJ to fail to report criminal offenses committed by another employee against a recipient of services to law enforcement. If the actor intended to hinder an investigation of or conceal the criminal conduct, the offense constitutes a state jail felony.
2. Please also see: Sec. 40.083 Human Resources Code, EMPLOYER RETALIATION PROHIBITED; Sec. 203.020 Human Resources Code, REPORT OF CRIMINAL CONDUCT; PENALTY; Sec. 203.021 Human Resources Code, EMPLOYER RETALIATION PROHIBITED
3. Author: Miles
4. Effective date: September 1, 2023

L. Parks and Wildlife Code

i. PARKS AND WILDLIFE CODE Sec. 1.014 USE OF CERTAIN WEAPONS IN OR ON BED OR BANK OF NAVIGABLE RIVER OR STREAM ([SB 1236](#))

1. Prohibits discharging a firearm or shooting an arrow from a bow if the person is located in or on a navigable river or stream or if the projectile could contact the river or stream. This offense constitutes a Class C Parks and Wildlife misdemeanor.
2. Please also see: Sec. 284.001 Parks and Wildlife Code, DISCHARGE OF FIREARM PROHIBITED is transferred to Subchapter B, Chapter 1, and redesignated as Section 1.014 Parks and Wildlife Code, USE OF CERTAIN WEAPONS IN OR ON BED OR BANK OF NAVIGABLE RIVER OR STREAM
3. Author: Flores
4. Effective date: September 1, 2023

ii. PARKS AND WILDLIFE CODE Sec. 66.2161 SALE OR PURCHASE OF SHARK FINS OR SHARK FIN PRODUCTS; OFFENSE ([SB 1839](#))

1. It is now an offense to buy, offer to buy, sell, or offer to sell shark fin or to possess shark fin with the purpose of sale. A person may process in a place of business a shark carcass if no portion of the food product made contains shark fin. The person must also destroy and discard shark fin in the manner prescribed by the law.
2. Please also see: Sec. 66.218(c) and (d) Parks and Wildlife Code, PENALTIES are repealed
3. Author: Hinojosa
4. Effective date: September 1, 2023