



**MAGISTRATE
DUTIES**

MAGISTRATE DUTIES

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MAGISTRATE'S WARNING (Art. 15.17(a), C.C.P.)

NO: _____

STATE OF TEXAS

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MAGISTRATE FOR

VS.

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COUNTY, TEXAS

Before me, the undersigned Magistrate in the State of Texas, on this day _____, 20__, _____ personally appeared in the custody of _____, a peace officer, not later than 48 hours after said person was arrested, and said person was given the following warning by me:

- _____ 1. You are charged with the offense of _____ a misdemeanor a felony.
An affidavit charging you with this offense (has)(has not) been filed in this court.
- _____ 2. You have a right to hire an attorney to represent you.
- _____ 3. You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
- _____ 4. You have the right to remain silent.
- _____ 5. You are not required to make a statement, and any statement you make can and may be used against you in Court.
- _____ 6. You have the right to stop any interview or questioning at any time.
- _____ 7. You have the right to have an examining trial (felonies only).
- _____ 8. You have the right to request appointment of counsel if you cannot afford counsel.

Pursuant to Number 8 above, I explained the local procedures for requesting appointment of counsel in a manner the Defendant could understand. I provided any necessary paperwork and reasonably assisted in its completion. I forwarded the paperwork, if any, to the appropriate authority, without unnecessary delay, in no event more than 24 hours.

The person warned reports to be a citizen of a foreign country: Yes No

I have determined that the said person is is not currently on bond in another cause or causes.

Bail is set at \$ _____ **Bail not determined** **Bail denied**

I acknowledge that I was given the above warning and that I understand my rights as explained to me in the warning.

Magistrate

Municipal Judge, City of _____

Place of warning: _____

Time: _____ Date: _____

Person warned

Accused refused to sign acknowledgement of warning.

Magistrate

Remarks:

Witnesses (if any):

Name: _____

Address: _____

Name: _____

Address: _____

Editor's Note: If the person warned is a non-U.S. citizen, magistrates should consult the *Consular Notification and Access* publication of the U.S. Department of State, available on the TMCEC website at www.tmcec.com/Programs/Judges/Magistrates or on the Texas Attorney General's website at www.oag.state.tx.us. For a complete listing of instances in which bail can be denied, see *TMCEC Bench Book*, Chapter 1.

MAGISTRATE'S DETERMINATION OF BAIL AND COMMITMENT FORM

Defendant's Name: _____

Agency: _____

Arrest Date: _____

Agency Report No.: _____

I, the undersigned Magistrate, hereby certify that the Defendant appeared before me on this date and was informed pursuant to Article 15.17, Code of Criminal Procedure, of the accusation against him/her and of any affidavit filed therewith, of his/her right to counsel, of his/her right to remain silent, of his/her right to have an attorney present during any interview with peace officers or attorneys representing the State, of his/her right to terminate the interview at any time, of his/her right to request the appointment of counsel if he/she is indigent and cannot afford counsel, and of his/her right to have an examining trial, and I informed the person arrested that he/she is not required to make a statement and that any statement made may be used against him/her.

YOU ARE HEREBY COMMANDED TO COMMIT TO JAIL THE BODY OF THE DEFENDANT ON THE FOLLOWING CHARGED OFFENSE(S). THE SAID DEFENDANT MAY BE RELEASED ON THE BOND AMOUNT(S) AND/OR CONDITIONS SET OUT BELOW.

WARRANT/COMPLAINT/OR PROBABLE CAUSE FOR: _____
Offense *Felony/Misdemeanor*

BAIL IS SET AT: \$ _____ Surety or Cash Bond Personal Bond Bail is Denied

A "family violence" detention hold is directed pursuant to Article 17.291, Code of Criminal Procedure, for ____ hours after bond has been posted if signed in space provided hereafter by Magistrate who finds probable cause to conclude and hereby does conclude that the family violence will continue if the Defendant is released prior thereto: (see form entitled *Application for Further Detention*)

So Ordered: _____
Magistrate's Signature

OTHER: _____

Conditions of release on bond are ordered as follows where initialed in space by Magistrate:

1. Article 17.41 condition where a child is the victim: _____
2. Article 17.441 condition requiring motor vehicle ignition interlock is ordered: _____
3. Other conditions: _____

Any or all of these conditions for release on bond are to be incorporated by reference and attached to the bond posted by the Defendant. The Defendant is to sign the conditions, acknowledging receipt and notice thereof prior to release. A copy of the conditions of release is to be filed with the _____ County Magistrate's office the next working day following release and the original is to remain attached to the original of the bond.

DEFENDANT IS TO BE HELD TO ANSWER TO THE PROPER COURT OF _____ COUNTY, TEXAS, OR ANY COURT OR MAGISTRATE BEFORE WHOM THIS CAUSE MAY BE HEREINAFTER PENDING AT ANY TIME AND PLACE AS MAY BE REQUIRED.

HEREIN FAIL NOT, of this commitment writ make due return, showing how you executed the same.

ISSUED THIS ____ day of _____, 20__ at _____ o'clock ____ .m.

Magistrate
Municipal Judge, City of _____

County, Texas

Editor's Note: For a complete listing of instances in which bail can be denied, see *TMCEC Bench Book*, Chapter 1.

NO: _____

| | | |
|----------------|---|----------------|
| STATE OF TEXAS | § | MAGISTRATE FOR |
| VS. | § | _____ |
| _____ | § | COUNTY, TEXAS |

APPLICATION FOR FURTHER DETENTION

Pursuant to Article 17.291, Code of Criminal Procedure, the undersigned applicant requests that the above named Defendant be detained for _____ (*insert period of time not to exceed 48 hours*) after bond is posted in the above referenced cause.

The Defendant has been arrested in the prevention of family violence and based upon the following facts, there is probable cause to believe that the violence will continue if the Defendant is released immediately upon posting bond:

Date

Applicant

If the additional period exceeds 24 hours, probable cause **must** exist to believe that the person committed the instant offense and during the 10-year period preceding the date the person has been arrested (*check the applicable offense and attach copies of supporting documentation of requisite probable cause*):

- on more than one occasion for an offense involving family violence; or
- for any other offense, if a deadly weapon, as defined in by Section 1.07, Penal Code, was used or exhibited during the commission of the offense or during immediate flight after the offense.

ORDER

On this the ___ day of _____, 20___, _____ came for consideration the above and foregoing Application for Further Detention. The Court having found probable cause for arrest of the above named Defendant and that said Defendant meets the criteria for continued detention pursuant to the provisions of Article 17.291, Code of Criminal Procedure, it is hereby ordered that the Sheriff of _____ County, Texas, Chief of Police for the City of _____, Texas or other person having custody of the detained person, hold the said Defendant for _____ hours (*period not to exceed 48 hours*) after the time that bond is posted in this cause.

SIGNED this ___ day of _____, 20___.

Magistrate

Printed Name: _____

Municipal Judge, City of _____

County, Texas

RELEASE: WITH ORDER TO APPEAR (Under Art. 15.17(b), C.C.P.)

Report #: _____

Agency: _____

Charge: _____, a fine-only misdemeanor.

The Defendant is released without bond and ordered to appear in person at the _____ (Municipal)(Justice) Court, on or before the ____ day of _____, 20__ at _____ o'clock ____m., located at _____.

A copy of this *Release With Order to Appear* shall be given to the accused upon (his)(her) release. If the accused fails to appear as required by this Order, the judge of the _____ (Municipal)(Justice) Court shall issue a warrant for the arrest of the accused.

SIGNED THIS ____ day of _____, 20__ at _____ o'clock ____m.

Magistrate

Municipal Judge, City of _____
_____ County, Texas

If Interpreter necessary:

Name of Interpreter

Editor's Note: For the accused to be released without bond and ordered to appear before the Municipal Court, the accused must not have been previously convicted of a felony or misdemeanor other than a misdemeanor punishable by fine only.

RELEASE: MAGISTRATE'S DETERMINATION OF NO PROBABLE CAUSE (Art. 15.17(d), C.C.P.)

Report #: _____

Agency: _____

Charge: _____

After (having)(not having) received sworn testimony or documents, the undersigned Magistrate determines that sufficient probable cause was not presented to merit further detention of the above named individual on the above described charge. The Defendant is therefore ordered released without bond on the above charge pending filing of charges by an appropriate court or magistrate.

A copy of this Order shall be placed with the records of the Defendant.

SIGNED THIS ____ day of _____, 20__ at _____ o'clock ____ .m.

Magistrate

Municipal Judge, City of _____

_____ County, Texas

If Interpreter necessary:

Name of Interpreter

CAUSE NUMBER: _____

| | | |
|----------------|---|------------------------|
| STATE OF TEXAS | § | IN THE MUNICIPAL COURT |
| VS. | § | CITY OF _____ |
| _____ | § | _____ COUNTY, TEXAS |

JUDGMENT

On this the ____ day of _____, 20____, the Defendant in the above numbered and entitled cause, having been arrested under a warrant issued in a county other than the one in which (he)(she) was arrested, and having appeared in person and entered a plea of guilty and waived a jury trial in writing; and the Magistrate pursuant to Article 15.18(a)(2), Code of Criminal Procedure, finds the Defendant guilty of the offense of _____.

It is therefore Ordered and Adjudged by the Magistrate that the State of Texas, for the use and benefit of the City of _____, Texas, does have and recover from the Defendant the amount of \$ _____, being the fine plus costs.

(If sentence in addition to payment of fine is authorized) **It is further Ordered** that the Defendant shall _____ no later than _____, 20____.

It is further Ordered and Adjudged that the Defendant be given credit for ____ days in jail, each day being ____ hours, in a total amount of \$ _____.

It is further found that the Defendant has defaulted in payment of the above fine and costs; is indigent; and each alternative method of discharging the fine and costs under Article 45.049, Code of Criminal Procedure, would impose an undue hardship on the Defendant. **It is therefore Ordered and Adjudged** that payment of the fine and court costs by the Defendant are waived and thus discharged.

The amount of \$ _____ was paid by the Defendant and that sum is ordered transmitted to the Court identified above along with the written Plea of Guilty and Waiver of Jury Trial executed by the Defendant and this Order before the 11th business day following the date of this Order.

Magistrate

County, Texas

BAIL WITH IGNITION INTERLOCK CONDITION (Art. 17.441, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

ORDER

The Court finds that the Defendant is eligible for bail in the amount of \$ _____.

The Court further finds that the Defendant is charged with:

- Intoxication Assault (Section 49.07, Penal Code)
- Intoxication Manslaughter (Section 49.08, Penal Code)
- A subsequent offense of Driving While Intoxicated (Section 49.04, Penal Code)
- A subsequent offense of Driving While Intoxicated with Child Passenger (Section 49.045, Penal Code)
- A subsequent offense of Flying While Intoxicated (Section 49.05, Penal Code)
- A subsequent offense of Boating While Intoxicated (Section 49.06, Penal Code)

It is ORDERED that, in addition to any other conditions of bail imposed on the Defendant, that the Defendant abide by the following conditions of bail: _____.

Defendant shall, no later than _____ days after the date the Defendant is released on bond, and at Defendant's expense, have an ignition interlock device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected on the breath of the operator, installed on the following vehicle:

Model year: _____
 Model: _____
 License Plate and
 State: _____

Make: _____
 Color: _____
 VIN: _____

Defendant shall not operate ANY motor vehicle unless the vehicle is equipped with such an ignition interlock device.

It is further ORDERED that the following agency shall verify the installation of the ignition interlock device and monitor the device during the period this Order is in effect, and shall immediately report to this Court, or to any other court in which this case may be pending, if the device is not installed by the day specified above or if the device is removed or disabled other than according to a court order:

_____ (agency name and address)

Defendant shall pay a fee in the amount of \$ _____ at the time of installation and thereafter each month to the agency who monitors the ignition interlock device.

OR

The Court finds that to require the installation of an ignition interlock device would not be in the best interest of justice.

Signed on the _____ day of _____, 20__.

DEFENDANT'S ACKNOWLEDGMENT

On the above date, I received a copy of this **BAIL CONDITION AND MOTOR VEHICLE IGNITION INTERLOCK ORDER.**

Defendant _____

_____ Magistrate

Municipal Judge, City of _____

_____ County, Texas

BAIL CONDITION WHERE CHILD IS ALLEGED VICTIM (Art. 17.41, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

ORDER

Offense Charged:

- Either Chapter 21 (Sexual Offenses) or Chapter 22 (Assaultive Offenses) against a child 12 years of age or younger;
- Section 25.02 (Prohibited Sexual Conduct) against a child 12 years of age or younger; or
- Section 43.25 (Sexual Performance by a Child) by a child 12 years of age or younger.

The Court finds that the Defendant:

- is eligible for bail in this case in the amount of \$ _____; **OR**
- is entitled to be released on personal recognizance bond in the amount of \$ _____.

ACCORDINGLY, IT IS ORDERED that, in addition to any other conditions of bail imposed on the Defendant, the Defendant abide by the following conditions of bail:

- That the Defendant not communicate directly or indirectly with _____;
- That the Defendant not go to or near any child care facility, residence, or school where _____ normally resides or attends, specifically, the Defendant is prohibited from coming within _____ feet of: (1) the residence located at _____; (2) the child care facility located at _____; and (3) the school located at _____.
- That the Defendant is granted access to _____, only under the supervision of _____ and only at the following location: _____ and at the following time(s): _____.

To the extent that a condition imposed by this Order conflicts with an existing court order granting the Defendant possession of or access to _____, then pursuant to Article 17.41(d), Code of Criminal Procedure, the conditions imposed by this Order prevail for a period of _____ (not to exceed 90) days.

IT IS FURTHER ORDERED that this Order is effective immediately and shall continue in effect until modified by order of this Court or another court.

“A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$100, OR BY CONFINEMENT IN JAIL FOR AS LONG AS THREE DAYS, OR BOTH.”

“A PERSON WHO VIOLATES THIS ORDER MAY ALSO BE SUBJECT TO THE REVOCATION OR INCREASE OF HIS/HER BAIL AND SUBJECT TO CONFINEMENT UNTIL THE CONCLUSION OF THIS CASE.”

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

Signed on the ___ day of _____, 20__.

Magistrate
Municipal Judge, City of _____

County, Texas

STATUTORY WARNING OF A CHILD (Sec. 51.095, F.C.)

On this day before me personally appeared _____, age _____, a child, accused of an offense alleged to have been committed in _____ County, Texas, on _____, 20__.

I, _____, in my capacity as a magistrate read the following warning to the above named child:

- You may remain silent and not make any statements at all;
- Any statement you make may be used in evidence against you;
- You have the right to have an attorney present to advise you either prior to any questioning or during any questioning;
- If you are unable to employ an attorney, you have the right to have an attorney appointed to advise you before or during any questioning and interviews with peace officers or attorneys representing the State; and
- You have the right to terminate the interview at any time.

OPTIONAL DIRECTIVE: APPLICABLE ONLY TO RECORDED STATEMENTS:

- Pursuant to Section 51.095(f), Family Code, I am requesting that the officer return you and the recording of your statement to me at the conclusion of the process of questioning so that I can determine whether it was given voluntarily.

I gave the foregoing warnings to the child at _____ o'clock, __.m. on the _____ day of _____, 20__ at _____.

Magistrate's Signature

Print Name

I acknowledge that I was given the above warning and I understand my rights as explained to me in the warning. I WAIVE these rights and agree to be interviewed by law enforcement officers.

Person Warned

I acknowledge that I was given the above warning and I understand my rights as explained to me in the warning. I DO NOT WAIVE these rights.

Person Warned

Juvenile refused to sign acknowledgement of warning.

Magistrate's Signature

Office Held

Remarks:

WRITTEN STATEMENT OF A CHILD (Sec. 51.095, F.C.)

My name is _____, and I am _____ years of age. I was born in _____,
State of _____ on _____, 20___. I live at _____,
Texas with _____. My telephone number is _____.
I can also be reached at telephone number _____. I am in the _____ grade at _____
School.

Prior to making the following statement I was informed by _____ (*insert title and name of magistrate*) that:

1. I have the right to remain silent and not make any statement at all and that any statement I make may be used against me;
2. I have the right to have an attorney present to advise me either prior to any questioning or during any questioning;
3. If I am unable to employ an attorney, I have the right to have an attorney appointed to counsel me before or during any interviews with peace officers or attorneys representing the State; and
4. I have the right to terminate any interviews at any time.

I wish to WAIVE these rights and agree to be interviewed by law enforcement officers.

Signature of Child

Signed on the _____ day of _____, 20__, at _____ o'clock _____.m.

The statement above is a voluntary statement signed in the presence of _____ (*insert title and name of magistrate*) with no law enforcement officer or prosecuting attorney present.

Signature of Juvenile

Signature of Magistrate

Magistrate's Verification and Certification for Statement of a Child

Re: Statement of _____, a child.

I, the below listed Magistrate of the State of Texas, do hereby **verify and certify** the following:

On _____, 20__, I gave the above named child the warning as required by Section 51.095, Family Code. (See the attached warning which is made a part hereof.)

After administering the warning, I examined the child and made the following observations:

- Claims to be _____ years of age and reasonably appears to be of that age;
- (Can)(cannot) read the _____ language; and
(a) demonstrated to me that (he)(she) could do so; OR
(b) I read the attached warning and statement aloud to the child.
- Is a citizen of _____;
- Advised me that (he)(she) has completed the _____ grade in school, and is now in the _____ grade in school;
- Was not threatened or promised anything by law enforcement officers or any other agents of the State of Texas;
- Does not appear to be under the influence of drugs or intoxicating beverages, and informs me that (he)(she) is not under the influence of drugs or alcohol;
- Does not appear to have been abused by law enforcement officers, or anyone else, and upon inquiry denies that any type of abuse has occurred;
- Shows no signs of psychiatric problems which might be readily apparent; and, upon inquiry by the undersigned, the child claims no history of psychiatric treatment or problems;
- Appears to understand the meaning of the warnings given and had no questions about the warnings, except as may be described as follows, if any:

- Made the statement voluntarily and of (his)(her) own free will without any improper inducements or prohibited conduct by any law enforcement officers or any other persons;
- Indicated that (he)(she) had not been deprived of food, drink, or sleep.
- Additional observations that I have made during the course of interviewing the said child are as follows, if any:

Only after receiving the proper warning and being examined by the undersigned Magistrate did the child, _____, sign the attached statement.

Based on the foregoing determinations, I, the undersigned Magistrate, do hereby certify as follows:

- I have examined the child independently of any law enforcement officer or prosecuting attorney.
- I have examined the child in the presence of _____, a (bailiff)(law enforcement officer) employed by _____, whose presence was required to ensure my personal safety and that of other court personnel, and who did not carry a weapon in the presence of the child.
- I have determined that the child understands the nature and content of the statement, and has knowingly, intelligently, and voluntarily waived the rights set out in the warning given pursuant to Section 51.095, Family Code.
- I am convinced that the child understands the nature and content of the statement, and that the child is signing the statement voluntarily.
- The statement was signed by the child in my presence with no law enforcement officer or prosecuting attorney present.
- The statement was signed by the child in my presence and the presence of _____, a (bailiff) (law enforcement officer) employed by _____, and who did not carry a weapon in the presence of the child, because I determined that the presence of said (bailiff) (law enforcement officer) was necessary for my personal safety and that of other court personnel.

THIS CERTIFICATION made by the undersigned magistrate on _____, 20____, at _____ o'clock, _____m., in _____ County, Texas.

Magistrate's Name (print or type)

Magistrate's Signature

Office Held

MAGISTRATE'S DETERMINATION OF VOLUNTARINESS – RECORDED STATEMENT OF CHILD (Page 1 of 2)

Re: Recorded statement of _____, a child.

I, the below listed Magistrate of the State of Texas, do hereby **verify and certify** the following:

On _____, 20__, I gave the above-named child the warning as required by Section 51.095, Family Code. (See the attached warning which is made a part hereof.). The warning and the child's waiver of these rights are part of the recording.

During the administration of the warning, pursuant to Section 51.095(f), Family Code, I requested that the officer return the child and the recording at the conclusion of the process of questioning.

In order to determine voluntariness (check all that are applicable):

- I viewed the recording with the child.
- I had the child view the recording.

From the recording or my interactions with the child I made the following observations:

- Claims to be _____ years of age and reasonably appears to be of that age;
- (Can)(cannot) read the _____ language; and (a) demonstrated to me that (he)(she) could do so; or (b) I read the attached warning and statement aloud to the child.
- Is a citizen of _____;
- Advised me that (he)(she) has completed the _____ grade in school, and is now in the _____ grade in school;
- Was not threatened or promised anything by law enforcement officers or any other agents of the State of Texas;
- Does not appear to be under the influence of drugs or intoxicating beverages, and informs me that (he)(she) is not under the influence of drugs or alcohol;
- Does not appear to have been abused by law enforcement officers, or anyone else, and upon inquiry denies that any type of abuse has occurred;
- Shows no signs of psychiatric problems which might be readily apparent, and upon inquiry by the undersigned, the child claims no history of psychiatric treatment or problems;
- Appears to understand the meaning of the warnings given and had no questions about the warnings;
- Understands what the recorded statement says, and agrees that the statement is (his)(her) version of the facts surrounding the said offense, and that the statement is true;
- Made the statement voluntarily and of (his)(her) own free will without any improper inducements or prohibited conduct by any law enforcement officers or any other persons;
- Indicated that (he)(she) had not been deprived of food, drink, or sleep.
- Additional observations that I have made during the course of interviewing the said child are as follows, if any:

MAGISTRATE'S DETERMINATION OF VOLUNTARINESS – RECORDED STATEMENT OF CHILD (Page 2 of 2)

Based on the foregoing observations, I, the undersigned Magistrate, do hereby determine that:

- The child understands the nature and content of the statement, and has knowingly, intelligently, and voluntarily waived the rights set out in the warning given pursuant to Section 51.095, Family Code.
- The child understands the nature and content of the recorded statement, and that the child made the statement voluntarily.
- The statement was **not given voluntarily**.

THIS DETERMINATION made by the undersigned Magistrate on _____, 20____, at _____ o'clock, ____m., in _____ County, Texas.

Magistrate's Name (print or type)

Magistrate's Signature

Office Held

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

MAGISTRATE'S ORDER OF EMERGENCY PROTECTION

On this day, _____, hereinafter called the Defendant, appeared before the undersigned Magistrate of the State of Texas, after arrest for an offense involving family violence or a Penal Code offense under Section 42.072 (Stalking), Section 22.011 (Sexual Assault), or Section 22.021 (Aggravated Sexual Assault).

After a post-arrest appearance as provided by Article 17.292(a), Code of Criminal Procedure, the Court:

- (1) _____ Entered the following order for emergency protection as mandated by Article 17.292(b), Code of Criminal Procedure, a matter of law because the arrest was for an offense that also involved [] serious bodily injury to the victim or [] the use or exhibition of a deadly weapon during the commission of an assault;
(2) _____ Entered an order for emergency protection as allowed by Article 17.292(a), Code of Criminal Procedure, [] on its own motion; [] at the request of the [] victim [] guardian of the victim [] a peace officer [] the attorney representing of the State;

intended to protect _____, hereinafter called the victim, and the following members of the victim's family or household, namely _____, _____, and _____, including a child or children, namely: _____, _____, and _____.

IT IS HEREBY ORDERED that effective immediately and for the next _____ days (31-61 days, or up to 91 days for assault with a deadly weapon) from the issuance of this Order, the Defendant, is prohibited from:

- [] Committing family violence or an assault on the person(s) protected under this Order;
[] Committing an act in furtherance of an offense under Section 42.072, Penal Code (Stalking);
[] Communicating directly with a member of the family or household or with the person(s) protected under the Order in a threatening or harassing manner;
[] Communicating a threat through any person to a member of the family or household or to the person(s) protected under the Order;
[] Possessing a firearm; unless the person is a peace officer as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time, paid employee of a state agency or political subdivision.
[] Going to or within _____ (distance) of:
1. the residence of the victim herein located at _____;
2. the residence of a member of the family or household protected under this Order located at _____;
3. the place of employment of the victim herein located at _____;
4. the place of employment of a member of the family or household protected under this Order located at _____;

- 5. the business of the victim herein located at _____
_____;
- 6. the business of a member of the family or household protected under this Order located at _____
_____;
- 7. the residence of _____, a child protected by this Order at _____
_____;
- 8. the child care facility of _____, a child protected by this Order located at _____
_____;
- 9. the school of _____, a child protected by this Order located at _____
_____.

- CONFIDENTIALITY OF ADDRESSES:**
Based on the facts presented, the Court further finds that for the safety of the person or persons protected under this Order, the addresses and specific locations of the person or persons protected by the Order remain confidential and shall be omitted from the Order.
- IT IS FURTHER ORDERED** that the conditions imposed in this Order shall prevail over any existing order granting possession of or access to a child named herein for the duration of this Order.
- IT IS FURTHER ORDERED** that the Defendant shall be served with a copy of this Order in open court.
- IT IS FURTHER ORDERED** that the Clerk of the Court shall send a copy of this Order to:
 - 1. the chief of police in the municipality where the member of the family or household or individual protected by this Order resides;
 - 2. the sheriff of the county where the member of the family or household or individual protected by this Order resides, if any of these persons do not reside in a municipality;
 - 3. the principal, director, or other person in charge of the school or child care facility attended by a person covered by this Order and named herein; and
 - 4. the victim.
- IT IS FURTHER ORDERED** that a law enforcement officer shall make a good faith effort to notify the victim, within 24 hours, that this Order has been issued by calling the victim's residence and place of employment (if not present at hearing).
- (Check this box if the Defendant holds a Concealed Handgun License)* **IT IS FURTHER ORDERED** that the license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code, held by the Defendant is **SUSPENDED** for the duration of this Order. The Clerk is **ORDERED** to send a copy of this Order to the appropriate division of the Department of Public Safety at its Austin headquarters (*see below for address*):

Editor's Note: Only if the Defendant is a handgun licensee should copies of Orders of Emergency Protection suspending concealed handgun license be faxed (512.424.7284) or mailed to the following:
 Attention: Suspension/Revocation
 Texas Department of Public Safety
 Concealed Handgun Licensing Section #0235
 Post Office Box 4143
 Austin, TX 78765-4143

MAGISTRATE'S ORDER OF EMERGENCY PROTECTION (Art. 17.292, C.C.P.) (Page 3 of 4)

IT IS FURTHER ORDERED that this Order is effective upon issuance and shall remain in full force and effect until midnight on _____, 20__ (this date should be no less than 31 and up to 91 days from the date of issuance).

SIGNED, ENTERED, AND ISSUED at _____ o'clock _____ m. on this the _____ day of _____, 20__.

Printed Name: _____
Magistrate

Municipal Judge, City of _____

County, Texas

Signature of Defendant acknowledging receipt of
copy of this Order

Telephone

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

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

WARNINGS UNDER FEDERAL LAW

THIS ORDER IS ENFORCEABLE IN ALL 50 STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES. 18 U.S.C., SECTION 2265.

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES. 18 U.S.C., SECTIONS 2261, 2262.

POSSESSION, TRANSPORTATION, OR RECEIPT OF A FIREARM WHILE THIS ORDER REMAINS IN EFFECT MAY BE A FELONY UNDER FEDERAL LAW PUNISHABLE BY UP TO 10 YEARS IN PRISON AND/OR A FINE.

IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

DEFINITIONS

The term "family violence" as defined by Section 71.004, Family Code, means:

(1) An act by a *member of a family* or *household* against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault, or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

The term "family" as defined by Section 71.003, Family Code, includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together. Two individuals are related to each other by consanguinity if one is a descendent of the other, or they share a common ancestor. An adopted child is considered to be a child of the adoptive

parent for this purpose. Two individuals are related to each other by affinity if they are married to each other, or the spouse of one of the individuals is related by consanguinity to the other individual. The ending of a marriage by divorce or the death of a spouse ends relationships by affinity unless a child of that marriage is living.

The term "household" as defined by Section 71.005, Family Code, means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

The term "member of a household" as defined by Section 71.006, Family Code, includes a person who previously lived in a household.

(2) "Abuse," as that term is defined by Sections 261.001(1)(C), (E), and (G), Family Code, by a member of a family or household toward a child of the family or household;

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

(E) "Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of a young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code" or

(G) "Compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code;"

The term "child" or "minor" as defined by Section 101.003, Family Code, means a person under 18 years of age who has not been married or who has not had the disabilities of minority removed for general purposes.

(3) "Dating violence," as that term is defined by Section 71.0021, Family Code, which means "an act by an individual that is against another individual with whom that person has or has had a *dating relationship* and that is intended to result in physical harm, bodily injury, assault, or sexual assault, or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself."

"Dating relationship," as defined by Section 71.0021(b) and (c), Family Code, means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship."

The term "firearm" has the meaning assigned by Chapter 46, Penal Code.

A person commits the offense of stalking if, he or she on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct, including following the other person, that (1) the actor knows or reasonably believes the other person will regard as threatening (a) bodily injury or death for the other person; (b) bodily injury or death for a member of the other person's family or household; or (c) that an offense will be committed against the other person's property; (2) causes the other person or a member of the other person's family or household to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property; or (3) would cause a reasonable person to fear the same. Section 42.072, Penal Code.

CLERK'S LETTER: COPY OF MAGISTRATE'S ORDER OF EMERGENCY PROTECTION (Art. 17.292(h), C.C.P.)

Dear _____:

Enclosed is a copy of a Magistrate's Order of Emergency Protection entered by Judge _____ on _____, 20__.

You are a person protected by this Order. Please read this Order carefully because it restrains _____ from committing threats or acts of violence against you. The terms of the Order may contain other important restrictions as well. The Order is in effect for _____ days after it was signed.

A copy of this Order is on file with this Court and with the (Sheriff of _____ County) (Chief of Police of _____). However, we suggest you keep this copy of the Order in a safe place. If the person restrained by this Order should violate the Order in any way, it is important that you call the (Sheriff) (Police) at (telephone number).

This is a **Court Order**. No one, including yourself, can give permission to anyone to ignore or violate any provision of the enclosed Order.

Sincerely,

(Deputy) Clerk

Municipal Court

MOTION TO MODIFY MAGISTRATE'S ORDER OF EMERGENCY PROTECTION (Art. 17.292(j), C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

MOTION TO MODIFY MAGISTRATE'S ORDER OF EMERGENCY PROTECTION

I, _____, the undersigned Respondent or Protected Person, hereby move to modify the Magistrate's Order of Emergency Protection (MOEP) issued on _____, 20__ by Judge _____. In support of this motion, I submit the following facts:

1. The following changes have occurred since issuance of the MOEP:

2. The MOEP, as originally issued, is unworkable because:

3. The requested modification will not place the victim of the offense at greater risk than did the MOEP because:

4. The requested modification will not, in any way, endanger a person protected under the MOEP because:

5. The following additional information is provided in support of this motion:

Respectfully submitted,

Signature

ORDER MODIFYING MAGISTRATE'S ORDER OF EMERGENCY PROTECTION (Art. 17.292(j), C.C.P.)

NO: _____

| | | |
|-----------------------|---|-----------------------|
| STATE OF TEXAS | § | MAGISTRATE FOR |
| VS. | § | _____ |
| _____ | § | COUNTY, TEXAS |

ORDER MODIFYING MAGISTRATE'S ORDER OF EMERGENCY PROTECTION

On this the ___ day of _____, 20__, came to be heard at the request of the, _____, to modify the Magistrate's Order of Emergency Protection entered on _____, 20__, issued by a judge of this Court in his or her capacity as a magistrate for the protection of _____, an alleged victim.

Said ORDER was issued:

- On the Magistrate's own motion;
- At the request of the alleged victim of the offense;
- At the request of the guardian of the alleged victim;
- At the request of a peace officer;
- At the request of an attorney representing the State.

Having provided NOTICE to each affected party and conducted a hearing, the Court FINDS:

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

The Court hereby MODIFIES AS FOLLOWS:

1. The above-named Defendant may return to the:

- Alleged victim's residence located at: _____
- Alleged victim's place of employment or business located at: _____
- The residence, childcare facility, or school located at: _____

2. Other modification(s):

UNLESS EXPRESSLY STATED IN THIS ORDER, ALL OTHER TERMS OF THE MAGISTRATE'S ORDER OF EMERGENCY PROTECTION ARE STILL IN **FULL FORCE AND EFFECT**.

ENTERED this ___ day of _____, 20__.

_____ Magistrate
Municipal Judge, City of _____
_____ County, Texas

APPLICATION FOR EMERGENCY DETENTION (Sec. 573.011, H.S.C.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

APPLICATION FOR EMERGENCY DETENTION

I, the undersigned applicant, have reason to believe and do believe that _____ evidences a substantial risk of serious harm to himself/herself or others.

This harm is specifically described as follows:

I further believe that the risk of harm is imminent unless the person named above is immediately restrained. My belief is derived from specific recent behavior, overt acts, attempts, or threats which are described in detail as follows:

My relationship to the person named above is *(describe in detail)* _____

Other relevant information: _____

Therefore, I request the Magistrate to issue an order and warrant for emergency detention, pursuant to Chapter 573, Health and Safety Code, of the person named above.

Applicant's name and address:

Applicant's telephone number(s):

Home: _____
Work: _____

Date

Signature of Applicant

Editor's Note: An adult filing a written application for the emergency detention of another person must present this application personally to a magistrate (Sec. 573.012(a), H.S.C.) The magistrate may interview the applicant. A magistrate may permit an applicant who is a physician to present the application by email with the application attached as a secure PDF document or by secure electronic means, including satellite transmission, closed-circuit television transmission, or secure two-way electronic communication (Sec. 573.012(h), H.S.C.).

ORDER FOR ISSUANCE OF MENTAL HEALTH WARRANT (Secs. 573.011 and 573.012, H.S.C.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

Respondent

ORDER

Upon presentation of an Application for Emergency Detention by _____ (*name of applicant*), **the Court finds** that there is reasonable cause, i.e., _____ (*basis of reasonable cause*) to believe that _____ (*name of person to be committed*) evidences mental illness that creates an imminent, substantial risk of serious harm to (himself)(herself) or others, that the risk of harm is imminent unless the person is immediately restrained and necessary restraint for treatment cannot be accomplished without emergency detention, and that emergency detention is the least restrictive means to effect necessary restraint.

It is therefore Ordered that a warrant shall issue for the immediate apprehension, detention, and transportation of the above named person to an appropriate treatment facility for a preliminary examination by a physician.

Date Entered

Magistrate

City of _____

County, Texas

MENTAL HEALTH WARRANT FOR EMERGENCY DETENTION (Sec. 573.021, H.S.C.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

Respondent

TO ANY HEALTH OR PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to apprehend the person _____ and transport same to _____, Texas for the purpose of a preliminary examination in accordance with Section 573.021, Health and Safety Code.

Herein fail not, but of this writ make due return, showing how you executed same.

Given under my hand this ____ day of _____, 20__.

Magistrate
City of _____
_____ County, Texas

OFFICER'S RETURN

Received the ____ day of _____, 20__, and executed by apprehending the person, _____, and transporting (him)(her) to _____ for temporary acceptance for preliminary examination.

Date Executed: _____

By: _____
Health or Peace Officer

Time: _____ (a.m.)(p.m.)

SHERIFF'S NOTIFICATION – PERSON IN CUSTODY WITH POSSIBLE MENTAL ILLNESS/MENTAL RETARDATION (Art. 16.22, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

Respondent

I have reasonable cause to believe that _____, a person committed to my custody, may have a mental illness or may be a person with mental retardation. My belief is based on the following evidence or statements:

(indicate who made statement(s) or source of evidence – include observed behavior of person in question)

I am aware of the following prior evaluation indicating a need for referral for further mental illness or mental retardation assessment: _____

Date

Applicant's Signature

Applicant's Printed Name

(Sheriff)(Deputy Sheriff)

County, Texas

Telephone Number: _____

MAGISTRATE'S ORDER FOR MENTAL ILLNESS/MENTAL RETARDATION EXAM (Art. 16.22, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

Respondent

ORDER

The Court, on this day having heard the evidence and arguments, finds that the Respondent _____, is a person currently committed to the custody of the Sheriff of _____ County, Texas. The Court further finds that:

- There is no reasonable cause to believe that the Respondent has a mental illness or is a person with a mental retardation and no examination will be ordered by this Court.
- There is reasonable cause to believe that the Respondent has a mental illness.
- There is reasonable cause to believe that the Respondent is a person with mental retardation.

It is therefore Ordered that no later than: (a) 30 days from this date if the Respondent is charged with a felony offense or (b) 10 days from this date if the Respondent is charged with a misdemeanor offense, the local mental health or mental retardation authority, or another qualified mental health or mental retardation expert shall: (A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with mental retardation as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the Respondent; and (B) provide to the undersigned magistrate a written assessment of the information collected under paragraph (A), **unless** in the year preceding the Respondent's applicable date of arrest, the Respondent has been determined to have a mental illness or to be a person with mental retardation by the local mental health or mental retardation authority or another mental health or mental retardation expert.

Signed and entered this _____ day of _____, 20__.

Magistrate

City of _____

_____ County, Texas

ORDER INTO CUSTODY FOR MENTAL ILLNESS/MENTAL RETARDATION EXAM (Art. 16.22, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

Respondent

ORDER

The Magistrate finds that on the ____ day of _____, 20__, this Court found reasonable cause to believe that the Respondent _____, (has a mental illness) (is a person with mental retardation) and further ordered Respondent to, no later than the ____ day of _____, 20__, submit to an examination by _____ to determine whether Respondent has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with a mental retardation as defined by Section 591.003, Health and Safety Code.

The Magistrate further finds that Respondent failed to submit to the examination. It is therefore **Ordered** that a warrant shall issue for the immediate apprehension and detention of the above named Respondent for a period not to exceed _____ days (*21 days maximum*) from the date of apprehension.

Date

Magistrate

City of _____

County, Texas

WARRANT FOR MENTAL HEALTH/MENTAL RETARDATION EXAM – PERSON FAILING TO SUBMIT VOLUNTARILY (Art. 16.22, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

Respondent

TO ANY HEALTH OR PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to apprehend the person _____ and transport same to _____, Texas for the purpose of:

- an examination to determine if the person has a mental illness as defined by Section 571.003, Health and Safety Code.
- an examination to determine if the person is a person with mental retardation as defined by Section 591.003, Health and Safety Code.

It is furthered Ordered, pursuant to Article 16.22(a), Code of Criminal Procedure, that the person be held in custody no more than _____ days (*21 days maximum*) for the purpose of said examination.

Herein fail not, but of this writ make due return, showing how you executed same.

Given under my hand this ____ day of _____, 20__.

Magistrate
City of _____
_____ County, Texas

OFFICER'S RETURN

Received the ____ day of _____, 20__, and executed by apprehending the person, _____, and transporting (him)(her) to _____.

Date Executed: _____

By: _____
Health or Peace Officer

Time: _____ (a.m.)(p.m.)

INVENTORY OF PROPERTY SEIZED (Arts. 18.10, 18.11, and 47.03, C.C.P.)

CAUSE NUMBER: _____

| | | |
|----------------|---|------------------------|
| STATE OF TEXAS | § | IN THE MUNICIPAL COURT |
| VS. | § | CITY OF _____ |
| _____ | § | _____ COUNTY, TEXAS |

To the Honorable Judge of said Court:

Comes now, _____, a peace officer, with the _____, and files this inventory. On the ____ day of _____, 20__, at _____, a location in _____ County, Texas, I seized the following property, described as follows:

I seized the above described property from _____, whose mailing address is _____ The property was seized because _____

Furthermore, I have reliable knowledge that the following named parties may have a claim to possession of the above described property. The names and mailing addresses are as follows: _____

The above described property is currently stored at _____, and has been incurring a daily storage fee of \$ _____, since the ____ day of _____, 20__. Additional charges of \$ _____ were incurred as a result of _____

I estimate the value of this property to be \$ _____.

No criminal action relating to this property is pending.

Wherefore, the State requests that the court order this property be held by petitioner pending examining trial to determine who has the right to possession of the property.

Filed this ____ day of _____, 20__.

Peace Officer

Name: _____

Address: _____

Telephone: _____

NOTICE OF STOLEN PROPERTY HEARING (Art. 47.01a, C.C.P.)

CAUSE NUMBER: _____

EX. REL.

§

IN THE MUNICIPAL COURT

§

CITY OF _____

(Describe Property)

§

_____ COUNTY, TEXAS

On the ____ day of _____, 20__, certain items of personal property were ordered seized by this Court and held pending a determination of which party has the right to possession of said property. The property, _____

is being held at _____, a location in the City of _____, Texas.

A hearing is hereby scheduled to determine who has the right to possession of the above described property. The hearing will be held at ____ o'clock __.m. on the ____ day of _____, 20__, at _____ in _____, Texas. If you feel you have a valid claim to possession of this property, you must appear at this proceeding with proof to support your claim. If you are not present at this hearing, the Court may presume you either do not have a valid claim to possession, or you have abandoned your claim to possession, or you do not wish to assert such claim.

If you have any questions, please call the Municipal Court, _____.

(Magistrate)(Judge)

City of _____

_____ County, Texas

By: _____

Date: _____

ORDER AWARDING POSSESSION OF STOLEN PROPERTY (Art. 47.04, C.C.P.)

CAUSE NUMBER: _____

EX. REL.

§

IN THE MUNICIPAL COURT

§

CITY OF _____

(Describe Property)

§

_____ COUNTY, TEXAS

ORDER

Whereas, on the ____ day of _____, 20__, in the Municipal Court of _____ County, Texas, came on to be heard and was heard the above styled case wherein _____ is seeking to establish the right to possession of the following described property: _____

_____ now in the possession and control of _____, a peace officer with the _____

All parties expressing a claim to possession were properly notified of this examining trial, and those desiring to assert such claim to possession appeared in person or through their attorney; and the Court, after hearing all the evidence and testimony, finds that no criminal action regarding this property is pending and is of the opinion that possession of the above described property should be awarded to _____, whose mailing address is _____.

Therefore, upon motion by the State, it is hereby Ordered that possession of said property now in the possession and control of _____ be immediately transferred to _____ subject to the condition that such property shall be available to the State or by order of any Court having jurisdiction of the offense to be used for evidentiary purposes.

Furthermore, it is hereby Ordered that _____ pay all reasonable charges for the safekeeping of said property while in the possession and control of _____ pending this examining trial, and the possession not be transferred until such charges are paid. Said charges, having been verified by the attached affidavit of _____ are determined to be \$ _____, and shall be paid to _____.

Be it further Ordered that _____ make due return, showing how you executed same.

Entered and signed this the ____ day of _____, 20__.

(Magistrate)(Judge)
City of _____
_____ County, Texas

Executed by transferring possession and control of the above described property to:

_____ This the ____ day of _____, 20__.

Peace Officer

ORDER FOR IMPOUNDMENT OF OUT-OF-STATE MOTOR VEHICLE (Secs. 601.291 and 601.294, T.C.)

NO: _____

| | | |
|-----------------------|---|-----------------------|
| STATE OF TEXAS | § | MAGISTRATE FOR |
| VS. | § | _____ |
| _____ | § | COUNTY, TEXAS |

WHEREAS IT IS FOUND:

1. The owner or operator of the vehicle has not registered the vehicle in this state;
2. The owner or operator of the vehicle was involved in a motor vehicle accident in this State that resulted in bodily injury, death, or damage to the property of one person to an apparent extent of at least \$500;
3. There is a reasonable possibility of a judgment being rendered against the owner or operator of the vehicle for any bodily injury, death, or property damage sustained in the motor vehicle accident;
4. The owner or operator of the vehicle failed to provide:
 - a. Evidence of financial responsibility for the bodily injury, death, or property damage; or
 - b. Evidence that the person is exempt from the requirement of financial responsibility, pursuant to Section 601.051, Transportation Code.

THE MAGISTRATE IS REQUIRED TO ORDER:

Pursuant to Section 601.294 of the Transportation Code, that the Sheriff of _____ County, Texas, (Chief of Police of _____, Texas) take into possession and safekeeping the described motor vehicle, to wit:

Make: _____ Model: _____ Color: _____ Year: _____
 License Number: _____ State: _____ VIN: _____
 Vehicle Operator: _____
 Vehicle Owner: _____
 Address of Owner: _____

NOTICE TO VEHICLE OWNER:

Texas law provides that the motor vehicle remain impounded until you present to the person authorized to release the vehicle:

1. a certificate of release obtained from the Department of Public Safety pursuant to Section 601.296, Transportation Code; and
2. pay for the cost of impoundment.

Ordered, signed, and delivered on ____ day of _____, 20__.

Magistrate

Municipal Judge, City of _____

_____ County, Texas