


A faint, light gray background image of a pair of scales of justice. The scales are centered and feature a vertical pillar with a decorative finial at the top. Two pans hang from a horizontal beam that is balanced on the pillar. The entire image is rendered in a simple, stylized manner.

MAGISTRATE DUTIES

MAGISTRATE DUTIES

Table of Contents


Presentation Before the Magistrate

Magistrate's Warning.....	39
Magistrate's Determination of Bail and Commitment Form.....	40
Application for Further Detention.....	41
Release: With Order to Appear	43
Release: Magistrate's Determination of No Probable Cause	44
Release: Personal Bond after No Timely Demand.....	45
Out-of-County Magistrate's Bench Judgment.....	46
 Bail with Ignition Interlock Condition.....	47
Bail Condition Where Child Is Alleged Victim	48
Bail Condition Where Adult Is Alleged Victim	49
Defendant's Ability to Make Bail Affidavit	50



Juveniles

Statutory Warning of a Child	51
Written Statement of a Child.....	52
Magistrate's Certification of Child's Written Statement	53
Magistrate's Determination of Voluntariness – Recorded Statement of Child	55

Domestic Violence

 Magistrate's Order of Emergency Protection	57
Magistrate's Record of Service of Order of Emergency Protection.....	61
Clerk's Letter: Copy of Magistrate's Order of Emergency Protection.....	62
Motion to Modify Magistrate's Order of Emergency Protection	63
Order Modifying Magistrate's Order of Emergency Protection.....	64
Magistrate's Order of Confidentiality of Certain Information in Order For Emergency Protection.	65

Mental Health Issues

Application for Emergency Detention.....	66
Order for Issuance of Mental Health Warrant.....	67
 Mental Health Warrant for Emergency Detention	68
Sheriff's or Municipal Jailer's Notification – Person in Custody with Possible Mental Illness/Intellectual Disability	69
 Magistrate's Order for Mental Illness/Intellectual Disability Exam	70
Mental Illness Assessment Notification	71
Order into Custody for Mental Illness/Intellectual Disability Exam.....	72
Warrant for Mental Health/Intellectual Disability Exam – Person Failing to Submit Voluntarily	73
Release: Personal Bond - Certain Mentally Ill Defendants.....	74

Property Hearings / Other

Schedule of Seized Property Alleged to Have Been Stolen	75
Notice of Stolen Property Hearing	76
Order Restoring Stolen Property When No Trial Is Pending	77
Order Restoring Stolen Property on Trial	78
Order Restoring Stolen Property upon an Examining Trial	79
Inventory of Property Taken under a Search Warrant.....	80
Order Directing Safekeeping of Property Taken under a Search Warrant	81
Order for Impoundment of Out-of-State Motor Vehicle	82

Editor's Note: Magistrate's signed orders pertaining to criminal matters issued on or after September 1, 2023, must contain, in addition to the magistrate's signature, the magistrate's name in legible handwriting, legible typewritten form, or legible stamp print. Art. 2.101, C.C.P. This has led to changes to most of the forms in this chapter of the Forms Book. The usual "Updated" logo will thus not be provided in the Table of Contents above for forms that were only updated to add a line for the magistrate's handwritten or typewritten name.

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

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

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.
- _____ 9. You may file an ability to pay affidavit under Article 17.028(f), C.C.P., if you are unable to give bail in the amount required by a bail schedule or standing order.

Pursuant to Number 8 above, I explained the 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:

Person warned

OR

☐ Accused refused to sign acknowledgement of warning

Remarks:

Magistrate

Witnesses (if any): _____

Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

Place of warning: _____

Time: _____ Date: _____

Editor's Note: The Vienna Convention on Consular Notifications requires that a foreign national be offered the opportunity to have his or her country's consulate notified that he or she is facing criminal action. If the person warned is a non-U.S. citizen, magistrates should consult the *Consular Notification and Access* manual of the U.S. Department of State, available at <https://travel.state.gov/content/travel/en/consularnotification.html>, and follow the steps in *TMCEC Bench Book*, Chapter 1.

If a magistrate is provided written or electronic notice of credible information that may establish reasonable cause to believe that a person brought before the magistrate has a mental illness or is a person with an intellectual disability, the magistrate shall conduct the proceedings described by Article 16.22 or 17.032, C.C.P., as appropriate.

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, of his or her right to fill out an affidavit described by Art. 17.028(f), Code of Criminal Procedure (if applicable), 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

Magistrate's Printed or Typewritten Name

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

Magistrate's Printed or Typewritten Name

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.

Effective September 1, 2023, stalking under Section 42.072 of the Penal Code is added to the list of offenses triggering a magistrate's duty to notify the sheriff when bond conditions are set. Art. 17.50, C.C.P.

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

Magistrate's Printed or Typewritten Name
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

Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

If Interpreter necessary:

Name of Interpreter

RELEASE: PERSONAL BOND AFTER NO TIMELY DEMAND (Art. 15.21, C.C.P.)

Report #: _____

Agency: _____

Charge: _____

The Defendant, _____, was committed to the _____ Jail on _____, 20____. The Magistrate provided notice by (mail) (secure facsimile transmission) (secure electronic means) on _____, 20____ to the Sheriff of _____ County, the county in which the offense is alleged to have been committed, regarding the arrest and commitment of the Defendant. No demand was made by the proper office of that county before the 11th day after the date the Defendant was committed. Therefore, pursuant to Article 15.21 of the Code of Criminal Procedure, the Defendant is **ORDERED** released on personal bond on the above charge.

A copy of this Order shall be placed with the records of the Defendant. The personal bond shall be forwarded to the (Sheriff of _____ County where the offense was alleged to have been committed) (_____ Court, the court that issued the warrant of arrest).

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

Magistrate

Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

County, Texas

If Interpreter necessary:

Name of Interpreter

Editor's Note: Except as provided by Articles 15.21, 17.033, and 17.151, a defendant may not be released on personal bond if the defendant (1) is charged with an offense involving violence; or (2) while released on bail or community supervision for an offense involving violence, is charged with committing either an offense punishable as a felony or an offense under the following provisions of the Penal Code: (i) Section 22.01(a)(1) (assault); (ii) Section 22.05 (deadly conduct); (iii) Section 22.07 (terroristic threat); or (iv) Section 42.01(a)(7) or (8) (disorderly conduct involving firearm). Article 17.03(b-2), C.C.P.

OUT-OF-COUNTY MAGISTRATE'S BENCH JUDGMENT (Art. 15.18, C.C.P.)

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

Magistrate's Printed or Typewritten Name

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)

☐ 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)

☐ A subsequent offense of Boating While Intoxicated with Child Passenger (Section 49.061, 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, before the 30th day after 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: _____

Make: _____

Model: _____

Color: _____

License Plate and State: _____

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 reimbursement fee in the amount of \$ (enter amount not to exceed \$10) 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

Magistrate's Printed or Typewritten Name

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

Penal Code Offense Charged:

- ☐ Chapter 20A (Trafficking of Persons), 21 (Sexual Offenses), Chapter 22 (Assaultive Offenses), or Chapter 43 (Public Indecency) against a child younger than 18 years of age; or
☐ Section 25.02 (Prohibited Sexual Conduct) against a child younger than 18 years of age.

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 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 directly communicate with *(the alleged victim)* _____; and

That the Defendant not go to or near any residence, school, or other location where *(the alleged victim)* _____ normally frequents; specifically, the Defendant is prohibited from coming within _____ feet of: (1) the residence located at _____;

(2) the school located at _____; and

(3) other location, said location being _____ and located at _____.

☐ **IT IS ALSO ORDERED** that the Defendant is granted supervised access to *(the alleged victim)* _____, 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 _____, 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 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.

Signed on the ____ day of _____, 20____.

Magistrate

Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

BAIL CONDITION WHERE ADULT IS ALLEGED VICTIM (Art. 17.465, C.C.P.)

Penal Code Offense Charged (victim 18 years old or older):

- ☐ Sec. 20A.02 (Trafficking of Persons)
- ☐ Sec. 20A.03 (Continuous Trafficking of Persons)
- ☐ Sec. 43.03 (Promotion of Prostitution)
- ☐ Sec. 43.031 (Online Promotion of Prostitution)
- ☐ Sec. 43.04 (Aggravated Promotion of Prostitution)
- ☐ Sec. 43.041 (Aggravated Online Promotion of Prostitution)
- ☐ Sec. 43.05 (Compelling Prostitution)

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 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 directly or indirectly communicate with *(the alleged victim)* _____; and

That the Defendant not go to or near any residence, place of employment, or business of *(the alleged victim)* _____; specifically, the Defendant is prohibited from coming within _____ feet of: (1) the residence located at _____; (2) the place of employment located at _____; and (3) the business location at _____; and

That the Defendant not go to or near the school, day-care facility, or similar facility where any of the victim's dependent children are in attendance; specifically, the Defendant is prohibited from coming within _____ feet of the _____ located at _____.

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 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.

Signed on the ____ day of _____, 20____.

Magistrate

Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

Editor's Note: Arrestees charged with an "offense involving violence" are not eligible for personal bond. This includes all the offenses listed on this form *except* Promotion of Prostitution, Online Promotion of Prostitution, and Aggravated Online Promotion of Prostitution. See Arts. 17.03(b-2) and 17.03(b-3)(2), C.C.P.

DEFENDANT'S ABILITY TO MAKE BAIL AFFIDAVIT (Art. 17.027(f), C.C.P.)

On this _____ day of _____, 20____, I have been advised by _____ (*name of the court or magistrate, as applicable*) of the importance of providing true and complete information about my financial situation in connection with the charge pending against me. I am without means to pay \$ _____ and I hereby request that an appropriate bail be set.

Please see the attached supporting documentation related to this request.

Defendant's Printed Name _____

Defendant's Date of Birth _____

Signed _____ Date: _____
Defendant's Signature

Editor's Note: A defendant filing this affidavit under Art. 17.027(f) shall also complete a form to allow the magistrate to assess information relevant to the defendant's financial situation. The form must be the form used to request appointment of counsel under Article 26.04 of the Code of Criminal Procedure or a form promulgated by the Office of Court Administration.

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

Printed 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

Printed Name

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 Child

Signature of Magistrate

Magistrate's Printed Name

Note: Article 38.22, Code of Criminal Procedure, requires a statement signed by or bearing the mark of an accused made on or after that date to be in a language he or she can read or understand.

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 20A.02 (Trafficking of Persons), Section 20A.03 (Continuous Trafficking of Persons), Section 22.011 (Sexual Assault), Section 22.012 (Indecent Assault), Section 22.021 (Aggravated Sexual Assault), or Section 42.072 (Stalking).

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 20A.02 or 42.072, Penal Code;
- ☐ 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;
- ☐ Communicating in any manner with a person protected under the Order or a member of the family or household of a person protected under the Order, except through the party's attorney or a person appointed by the court (*if the magistrate finds good cause*);
- ☐ 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;
- ☐ Tracking or monitoring personal property or a motor vehicle in possession of the person protected under the order or of a member of the family or household of the person protected under the order, without the protected person's effective consent, including by (1) using a tracking application on a personal electronic device in the possession of the person or the family or household member or using a tracking device or (2) physically following the person or the family or household member or causing another to physically follow the person or member.
- ☐ 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 _____;

MAGISTRATE'S ORDER OF EMERGENCY PROTECTION (Art. 17.292, C.C.P.) (Page 2 of 4)

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 be served with a copy of this Order by the Magistrate or the Magistrate's designee in person or electronically.
- ☐ **IT IS FURTHER ORDERED** that the Clerk of the Court, as soon as possible, but not later than the next business day after the date the Order is issued, 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 at the victim's last known address.
- ☐ **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 Handgun License)* **IT IS FURTHER ORDERED** that the license to carry a 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 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____.

Magistrate

Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

Signature of Defendant acknowledging receipt of
copy of this Order (if served in person)

County, Texas

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

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

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

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

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 disabled individual 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 the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed at a specific other, knowingly engages in conduct that (1) constitutes a harassment offense under Section 42.07, Penal Code, or that the actor knows or reasonably should know the other person will regard as threatening: (A) bodily injury or death for the other person or (B) that an offense will be committed against (i) a member of the other person’s family or household; (ii) an individual with whom the other person has a dating relationship; or (iii) the other person’s property; (2) causes the other person, a member of the other person’s family or household, or an individual with whom the other person has a dating relationship: (A) to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person, a member of the person’s family or household, or an individual with whom the other person has a dating relationship, or the other person’s property; or (B) to feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended; and (3) would cause a reasonable person under circumstances similar to the circumstances of the other person to: (A) fear bodily injury or death for the person; (B) fear that an offense will be committed against a member of the person’s family or household or an individual with whom the person has a dating relationship; (C) fear that an offense will be committed against the person’s property; or (D) feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended. Section 42.072(a), Penal Code.

The term “business day” means a day other than a Saturday, Sunday, or state or national holiday. Article 17.292(m)(3), Code of Criminal Procedure.

Editor’s Notes: A magistrate or clerk may delay sending a copy of the order under Article 17.292(h) only if the magistrate lacks information necessary to ensure service and enforcement. Art. 17.292(h-1), C.C.P. The copy of the order and any related information may be sent under Article 17.292(h) or (i) electronically or in another manner that can be accessed by the recipient. Art. 17.292(i-1), C.C.P.

Beginning with Magistrate’s Orders of Emergency Protection applied for on or after June 1, 2024, magistrates will be required to use a form promulgated by the Office of Court Administration. See S.B. 48 (2023).

MAGISTRATE'S RECORD OF SERVICE OF ORDER OF PROTECTION (Art. 17.292(j), C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

MAGISTRATE'S RECORD OF SERVICE OF ORDER OF PROTECTION

I, the undersigned Magistrate of the State of Texas, certify that a complete copy of the Magistrate's Order of Emergency Protection, issued on _____, 20____, was served on _____, Defendant, by: *(CHECK ONE)*

☐ The undersigned Magistrate of the State of Texas in person

☐ The undersigned Magistrate of the State of Texas electronically

☐ The undersigned Magistrate's designee, _____, in person

☐ The undersigned Magistrate's designee, _____, electronically

On _____, 20____.

SIGNED,

Magistrate

Printed Name: _____

Municipal Judge, City of _____

_____ County, Texas

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

Editor's Note: A magistrate or clerk may delay sending a copy of the order under Article 17.292(h) only if the magistrate lacks information necessary to ensure service and enforcement. Art. 17.292(h-1), C.C.P. The copy of the order and any related information may be sent under Article 17.292(h) or (i) electronically or in another manner that can be accessed by the recipient. Art. 17.292(i-1), C.C.P.

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

STATE OF TEXAS

VS.

NO: _____

§

§

§

MAGISTRATE FOR

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

Editor’s Note: Under Section 72.157 of the Government Code, clerks must enter copies of applications for protective orders, protective orders, and modifications of protective orders into the protective order registry as soon as possible but not later than 24 hours after the time an application for a protective order is filed. For a protective order that is vacated or that has expired, the clerk of the applicable court shall modify the record of the order in the registry to reflect the order’s status as vacated or expired. If an order is vacated, the clerk shall ensure that a record of the vacated order is not accessible by the public. For a protective order that is vacated as the result of an appeal of bill of review from a district or county court, the clerk shall notify the Office of Court Administration not later than the end of the next business day after the date the protective order was vacated. A clerk may delay entering these items into the registry only to the extent that the clerk lacks the *specific* information required to be entered.

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 MAGISTRATES'S ORDER OF EMERGENCY PROTECTION ARE STILL IN **FULL FORCE AND EFFECT**.

ENTERED this ____ day of _____, 20__.

Magistrate

Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

County, Texas

MAGISTRATE'S ORDER OF CONFIDENTIALITY OF CERTAIN INFORMATION IN ORDER FOR EMERGENCY PROTECTION (Art. 17.294, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

MAGISTRATE'S ORDER OF CONFIDENTIALITY

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 20A.02 (Trafficking of Persons), Section 20A.03 (Continuous Trafficking of Persons), Section 22.011 (Sexual Assault), Section 22.012 (Indecent Assault), Section 22.021 (Aggravated Sexual Assault), or Section 42.072 (Stalking).

After Defendant became subject to an order for emergency protection issued under Article 17.292, Code of Criminal Procedure, the Court:

- (1) _____ Received a request from the person protected by an order for emergency protection issued under Article 17.292; or
- (2) _____ Determined the necessity of confidentiality sua sponte.

IT IS HEREBY ORDERED that the person protected under the order:

- ☐ disclose the person's mailing address to the court;
- ☐ designate another person to receive on behalf of the person any notice or documents filed with the court related to the order; and
- ☐ disclose the designated person's mailing address to the court;

IT IS FURTHER ORDERED that the court clerk:

- ☐ strike the mailing address of the person protected by the order from the public records of the court, if applicable; and
- ☐ maintain a confidential record of the mailing address for use only by:
 - i. the court; or
 - ii. a law enforcement agency for purposes of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety; and
- ☐ prohibit the release of the information to the Defendant.

On _____, 20__.

SIGNED, _____
Magistrate

Printed Name: _____
Magistrate

Municipal Judge, City of _____
_____ County, Texas

Editor's Note: Courts may issue orders protecting certain information contained in Orders for Emergency Protection under Article 17.292, C.C.P. The statute also contains duties for court clerks.

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 mental illness and 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 EMERGENCY 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 (1) mental illness and (2) a substantial risk of serious harm to
(himself)(herself) or others; (3) that the risk of harm is imminent unless the person is immediately restrained; and (4) emergency detention is
the least restrictive means by which the necessary restraint may be accomplished.

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

Magistrate's Printed or Typewritten Name

City of _____

County, Texas

MENTAL HEALTH WARRANT FOR EMERGENCY DETENTION (Sec. 573.012, 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 _____ (name of person to be committed) 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

Magistrate's Printed or Typewritten Name

City of _____

County, Texas

Editor's Note: Effective September 1, 2023, a peace officer who transports an apprehended person to a facility is not required to remain there while the person is being screened or treated. Sec. 573.012(d-1), Health and Safety Code.

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 OR MUNICIPAL JAILER'S NOTIFICATION – PERSON IN CUSTODY WITH POSSIBLE MENTAL ILLNESS/INTELLECTUAL DISABILITY (Art. 16.22, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

Respondent

SHERIFF'S OR MUNICIPAL JAILER'S NOTIFICATION

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

_____.

I am aware of the following prior assessment indicating a need for referral for further assessment: _____

_____.

Date

Applicant's Signature

Applicant's Printed Name

(Sheriff)(Deputy Sheriff)(Municipal Jailer)

City of _____

County, Texas

Telephone Number: _____

Editor's Note: The sheriff or municipal jailer having custody of a defendant for any offense (including Class C misdemeanors as of September 1, 2023 (See S.B. 2479 (2023))) shall provide this notice to the magistrate no later than 12 hours after receiving credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability. The notice must include any information related to the sheriff's or municipal jailer's determination, such as information regarding the defendant's behavior immediately before, during, and after the defendant's arrest and, if applicable, the results of any previous assessment of the defendant.

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) (municipal jailer of the City of _____). The Court further finds that:

- ☐ 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 an intellectual disability.

It is therefore Ordered that no later than: (a) 30 days from this date if the Respondent is released from custody or (b) 96 hours from this date if the Respondent is held in custody, the local mental health authority, local intellectual and developmental disability authority, or another mental health or intellectual disability expert shall: (A) interview the defendant if the defendant has not previously been interviewed by a qualified mental health or intellectual and developmental disability expert on or after the date the defendant was arrested for the offense for which the defendant is in custody and otherwise 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 an intellectual disability as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the Respondent and information regarding any previously recommended treatment or service; and (B) provide to the undersigned magistrate a written report of an interview described by Paragraph (A) and the other information collected under that paragraph on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(c), Health and Safety Code.

- ☐ There is no reasonable cause to believe that the Respondent has a mental illness, is a person with an intellectual disability, and no examination will be ordered by this Court.
- ☐ The defendant is no longer in custody; or in the year preceding the date of arrest, the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services determined that the defendant has a mental illness or intellectual disability; or was only arrested or charged with an offense punishable as a Class C misdemeanor. No examination will be ordered by this Court.

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

Magistrate_____
Magistrate's Printed or Typewritten Name

City of _____

Editor's Note: The order references a form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments; see the *Mental Illness Assessment Notification* form in this chapter.

Under 16.22(a), the magistrate is not required to order the interview and collection of other information if the defendant is no longer in custody or if in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another mental health or intellectual and developmental disability expert. As of September 1, 2023, a magistrate is also not required to order the interview and collection of other information if the defendant was only arrested or charged with a Class C misdemeanor (*See S.B. 2479 (2023)*). A court that elects to use the results of that previous determination may proceed under Subsection (c).

If the defendant fails or refuses to submit to the interview and collection of other information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a jail, or in another place determined to be appropriate by the local mental health authority or local intellectual and developmental disability authority, for a reasonable period not to exceed 72 hours. If applicable, the county in which the committing court is located shall reimburse the local mental health authority or local intellectual and developmental disability authority for the mileage and per diem expenses of the personnel required to transport the defendant, calculated in accordance with the state travel regulations in effect at the time.

Under Article 16.22(b), the magistrate may permit a longer period of time for providing the written assessment if good cause is shown.

**COLLECTION OF INFORMATION FORM FOR
MENTAL ILLNESS AND INTELLECTUAL DISABILITY**

*AUTHORITY: Art. 16.22, Code of Criminal Procedure & Sec. 614.0032, Health & Safety Code & Chapter 552 of the Government Code
Approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)*

SECTION I: DEFENDANT INFORMATION

Defendant Name (Last, First): _____ Offense: _____

Date of Birth: _____ CARE Identification # (If available): _____ SID or CID # (If available): _____

Last Four Digits of Social Security Number: _____

Current County or Municipality of Incarceration: _____ Date of Magistrate Order: _____

SECTION II: PREVIOUS HISTORY

Has the defendant been determined to have a mental illness or to be a person with an intellectual disability within the last year?

☐ Yes

☐ No

☐ Unknown

Date of Previous Written Report of Collected Information (if applicable): _____

Previous Mental Health and/or Intellectual Disability Information (if available):

SECTION III: CURRENT INFORMATION

Most Recent Diagnosis(es) and Date(s) (if available):

At time of the collection of information or as indicated on the jail screening form for suicide and medical/mental/developmental impairments, is the defendant acutely decompensated, suicidal, or homicidal according to self-report?

☐ Yes- Circle Above

☐ No

☐ Not Applicable- Reason

Other relevant information pertaining to mental health and intellectual disability history and/or previous treatment or service recommendations:

Observations and Findings Based on Information Collected:

☐ Defendant is a person who has a mental illness. ☐ Defendant is a person who has an intellectual disability.

☐ There is clinical evidence to support the belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B, Code of Criminal Procedure.

☐ Any appropriate or recommended treatment or service:

☐ None of the above.

Procedures Used to Gather Information:

SECTION IV: INFORMATION OF PROFESSIONAL SUBMITTING FORM

Name, Credentials & Organization of Person Submitting Form: _____ Date of Submission: _____

*Upon completion of this form, its contents remain confidential as applicable to Health and Safety Code Chapter 614.017 & Chapter 552 of the Government Code
Approved August 2019*

Editor's Note: This is the current form approved in August 2019 by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). However, H.B. 601 (86th Legislature (2019)) includes a directive that TCOOMMI shall approve and make generally available in electronic format a standard form for use by a person providing a written report under Article 16.22(a)(1)(B), Code of Criminal Procedure. Visit https://www.tdcj.texas.gov/documents/rid/article_16.22.pdf for a pdf version of the form and detailed instructions. Monitor www.tdcj.texas.gov for any updates to this form.

ORDER INTO CUSTODY FOR MENTAL ILLNESS/INTELLECTUAL DISABILITY EXAM (Art. 16.22(a)(3), 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 an intellectual disability) and further ordered Respondent to, no later than ____ .m. on the ____ day of _____, 20__, submit to an interview by _____ to determine whether Respondent has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability as defined by Section 591.003, Health and Safety Code.

The Magistrate further finds that Respondent failed to submit to the interview. 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 _____ hours (72 hours maximum) from the date of apprehension.

Date

Magistrate

Magistrate's Printed or Typewritten Name

City of _____

County, Texas

Editor's Note: In the event that a defendant fails or refuses to submit to the interview and collection of other information regarding the defendant as required under Article 16.22(a)(1) of the Code of Criminal Procedure, the magistrate *may* order the defendant to submit to an examination in a jail or in another place determined to be appropriate by the local mental health authority or local intellectual and developmental disability authority for a reasonable period not to exceed 72 hours.

WARRANT FOR MENTAL HEALTH/INTELLECTUAL DISABILITY EXAM – PERSON FAILING TO SUBMIT VOLUNTARILY (Art. 16.22(a)(3), 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 interview to determine if the person has a mental illness as defined by Section 571.003, Health and Safety Code.
☐ an interview to determine if the person is a person with an intellectual disability as defined by Section 591.003, Health and Safety Code.

It is furthered Ordered, pursuant to Article 16.22(a)(3), Code of Criminal Procedure, that the person be held in custody no more than _____ hours (*72 hours maximum*) for the purpose of said interview.

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

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

Magistrate

Magistrate's Printed or Typewritten Name

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.)

Editor's Note: The magistrate may order a defendant who fails or refuses to submit to the collection of information regarding the defendant as required under Article 16.22(a)(1) of the Code of Criminal Procedure, the magistrate may order the defendant to submit to an examination in a jail or in another place determined to be appropriate by the local mental health authority or local intellectual and developmental disability authority for a reasonable period not to exceed 72 hours.

RELEASE: PERSONAL BOND – CERTAIN MENTALLY ILL DEFENDANTS (Art. 17.032, C.C.P.)

Report #: _____

Agency: _____

Charge: _____

The undersigned Magistrate determines that:

- 1) the Defendant, _____, is not charged with nor has been previously convicted of a violent offense as that term is defined in Article 17.032(a) of the Code of Criminal Procedure;
- 2) the Defendant was examined by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health and developmental disability expert under Article 16.22;
- 3) the applicable expert, _____, in a written report submitted to the undersigned Magistrate under Article 16.22 of the Code of Criminal Procedure concludes that the Defendant has a mental illness or is a person with an intellectual disability and is nonetheless competent to stand trial and recommends (mental health treatment) (intellectual and developmental disability services) for the Defendant; and
- 4) in consultation with the (local mental health authority) (local intellectual and developmental disability authority), appropriate community-based mental health or intellectual and developmental disability services for the Defendant are available in accordance with Section 534.053 or 534.103 of the Health and Safety Code, or through another mental health or intellectual and developmental disability services provider.

The undersigned Magistrate further finds that after considering all the circumstances, a pretrial risk assessment (*if applicable*), and any other credible information provided by the attorney representing the State or the Defendant, that release on personal bond would reasonably ensure the Defendant's appearance in court as required and the safety of the community and the victim of the alleged offense.

Therefore, pursuant to Article 17.032 of the Code of Criminal Procedure, the Defendant is **ORDERED** released on personal bond on the above charge. (*Check any applicable boxes below*)

- ☐ As a condition of release on personal bond, the Defendant is **ORDERED** to submit to outpatient or inpatient mental health treatment or intellectual and developmental disability services as recommended by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert. (*required if the defendant's mental illness or intellectual disability is chronic in nature; or ability to function independently will continue to deteriorate if the defendant does not receive the recommended treatment or services*).
- ☐ As a condition of release on personal bond, the Defendant is **ORDERED** to _____

(*The magistrate may require the defendant to comply with other conditions that are reasonably necessary to ensure the defendant's appearance in court as required and the safety of the community and the victim.*)
- ☐ The Defendant is released on personal bond with no conditions of release.

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

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

Magistrate

Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

County, Texas

Name of Interpreter (If Necessary)

Editor's Note: Notwithstanding Article 17.03(b), or a bond schedule adopted, or a standing order entered by a judge, a magistrate shall release a defendant on personal bond unless good cause is shown otherwise if the requirements in Article 17.032(b) are satisfied. A person is considered to have been convicted of an offense under Article 17.032 if a sentence is imposed, the person is placed on community supervision or receives deferred adjudication, or the court defers final disposition of the case.

SCHEDULE OF SEIZED PROPERTY ALLEGED TO HAVE BEEN STOLEN (Art. 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 schedule to certify the following information. 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.

Filed this _____ day of _____, 20__.

Peace Officer

Name: _____

Address: _____

Telephone: _____

NOTICE OF STOLEN PROPERTY HEARING (Arts. 47.01a and 47.02, C.C.P.)

CAUSE NUMBER: _____

EX. REL.

§

IN THE MUNICIPAL COURT

§

CITY OF _____

(Describe Property)

§

_____ COUNTY, TEXAS

NOTICE

On the _____ day of _____, 20____, certain items of personal property alleged to have been stolen came into custody of an officer and are being 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

Magistrate's Printed of Typewritten Name

City of _____

County, Texas

By: _____

Date: _____

Editor's Note: Venue for stolen property hearings under 47.01a of the Code of Criminal Procedure includes any municipal court in any municipality in which the property is seized or in which the property was alleged to have been stolen, except that the court may transfer venue to a court in another county on the motion of any interested party. Under Article 47.02 of the Code of Criminal Procedure, venue to determine the right of possession of stolen property is in the county in which the property was alleged to have been stolen or in the county in which a criminal action for theft or any other offense involving illegal acquisition of property is pending.

ORDER RESTORING STOLEN PROPERTY WHEN NO TRIAL IS PENDING (Art. 47.01a, 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 in 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 hearing, 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:

- ☐ the property was not acquired by theft or another offense and possession of the above-described property should be awarded to _____, whose mailing address is _____;
- ☐ probable cause exists to believe that the property was acquired by theft or by another manner that makes its acquisition an offense and that the identity of the actual owner of the property cannot be determined.

[If not acquired by theft/offense] Therefore, [upon motion by the State], it is hereby Ordered that possession of said property now in the possession and control of _____ be immediately delivered/awarded to:

- ☐ _____, having the superior right to possession [subject to the condition that such property shall be available to the prosecuting authority should it be needed in future prosecutions].
- ☐ the custody of the peace officer, _____, pending resolution of criminal investigations regarding the property.

[If acquired by theft/offense] Therefore, it is hereby Ordered that _____, a peace officer with the _____:

- ☐ deliver the property to a government agency for official purposes.
- ☐ deliver the property to a person authorized by Article 18.17 of the Code of Criminal Procedure to receive and dispose of the property.
- ☐ destroy the property.

Furthermore, it is hereby Ordered that _____ pay all reasonable charges for the safekeeping of said property while in the possession and control of _____ while in the custody of the law, and the possession not be transferred until such charges are paid. Said charges, having been verified by the attached affidavit 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

Magistrate's Printed or Typewritten Name

City of _____

County, Texas

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

This the ____ day of _____, 20__.

Peace Officer

Editor's Note: The person who has the superior right to possession of the property, as determined in a hearing under Article 47.01a(a), is responsible for any transportation necessary to deliver the property to the person as ordered under that subsection.

ORDER RESTORING STOLEN PROPERTY ON TRIAL (Art. 47.02, 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, with written consent of the prosecuting attorney (attached), _____, in the following criminal action: _____, came to be heard and was heard in 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 hearing, 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 possession of the above described property should be awarded to _____, as true owner of the property alleged to be stolen, whose mailing address is _____.

Therefore, it is hereby Ordered that possession of said property now in the possession and control of _____ be immediately delivered to: _____.

Furthermore, it is hereby Ordered that _____ pay all reasonable charges for the safekeeping of said property while in the possession and control of _____ while in the custody of the law, 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

Magistrate's Printed or Typewritten Name

City of _____

County, Texas

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

This the ____ day of _____, 20__.

Peace Officer

Editor's Note: Article 47.02(c), C.C.P. states that, "the owner of the property is responsible for any transportation necessary to restore the property to the owner as ordered under this article."

ORDER RESTORING STOLEN PROPERTY UPON AN EXAMINING TRIAL (Art. 47.04, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

ORDER

Whereas, on the _____ day of _____, 20__, in the _____ Court of _____ County, Texas, in the above styled examining trial, in satisfaction of the court, proof was established of true ownership and, thereby, the right to possession of the following described property: _____

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

The Court, after hearing all the evidence and testimony, finds that possession of the above-described property should be awarded to _____, as true owner of the said property, 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 delivered 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 _____ while in the custody of the law, 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

Magistrate's Printed or Typewritten Name

City of _____

County, Texas

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

This the _____ day of _____, 20__.

Peace Officer

INVENTORY OF PROPERTY TAKEN UNDER A SEARCH WARRANT (Arts. 18.10 and 18.11, C.C.P.)

THE STATE OF TEXAS, §
CITY OF _____ §
_____ COUNTY §

INVENTORY

My name is _____ and I am commissioned as a peace officer by _____
_____. 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 _____

Filed this _____ day of _____, 20____.

Peace Officer

Name: _____

Address: _____

Telephone: _____

Editor's Note: A blood specimen seized pursuant to a warrant executed under Article 18.067, Code of Criminal Procedure, may be removed from the county in which it was seized and returned to the county in which the warrant was issued without a court order.

ORDER DIRECTING SAFEKEEPING OF PROPERTY TAKEN UNDER A SEARCH WARRANT (Arts. 18.10 and 18.11, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

ORDER

Whereas, on the ____ day of _____, 20__, in _____ County, Texas, _____, a peace officer with the _____, seized the following described property: _____

from _____, and delivered a copy of the inventory of the same to _____, Magistrate for _____ County, Texas. Said property, taken into the above named officer's possession under a search warrant, remains in the custody of that officer.

It is hereby **Ordered** that said property shall be kept as follows: _____

Until _____
The property, unless it is a blood specimen seized under Article 18.067, Code of Criminal Procedure, may not be removed from the county in which it was seized without an order approving the removal, issued by a magistrate in the county in which the warrant was issued, to wit _____ County, Texas. However, nothing shall prevent the above named officer, or his/her department, from forwarding any item or items seized to a laboratory for scientific analysis.

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

Magistrate

Magistrate's Printed or Typewritten Name

City of _____

County, Texas

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 collision 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 collision;
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

Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

County, Texas