

A light gray icon of a pair of scales of justice, featuring a central vertical pillar with a horizontal beam and two pans hanging from it. The icon is positioned behind the text.

MAGISTRATE DUTIES

MAGISTRATE DUTIES

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

NO: _____

STATE OF TEXAS

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MAGISTRATE FOR

VS.

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COUNTY, TEXAS

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

- _____ 1. You are charged with the offense of _____ a misdemeanor a felony.
An affidavit charging you with this offense (has)(has not) been filed in this court.
- _____ 2. You have a right to hire an attorney to represent you.
- _____ 3. You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
- _____ 4. You have the right to remain silent.
- _____ 5. You are not required to make a statement, and any statement you make can and may be used against you in Court.
- _____ 6. You have the right to stop any interview or questioning at any time.
- _____ 7. You have the right to have an examining trial (felonies only).
- _____ 8. You have the right to request appointment of counsel if you cannot afford counsel.
- _____ 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.
- _____ 10. You are not required to make a statement and any statement made by you may be used against you.

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.

I have determined that the bail decision is is not subject to Art. 17.027, C.C.P.

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: If the defendant is a non-U.S. citizen, magistrates must offer the option to have the person’s consulate notified under the Vienna Convention. Refer to the U.S. Department of State’s *Consular Notification and Access* manual (<https://travel.state.gov/content/travel/en/consularnotification.html>) and *TMCEC Bench Book*, Chapter 1, for procedures.

Effective April 1, 2026, the local administrative district judge for each county shall designate an individual to receive electronic notices under Article 17.027(a)(2), C.C.P. If a defendant is taken before a magistrate for a felony offense committed while released on bail for a prior felony in another county, electronic notice of the new charge must be sent to the designated contact in the county of the prior offense no later than the next business day after the defendant appears before the magistrate. Prior to April 1, 2026, electronic notice goes to the court before whom the case for the previous offense is pending. Art. 17.027, C.C.P.

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

[If bail was granted for a Defendant charged with murder; capital murder; aggravated assault that caused serious bodily injury or while using a firearm, club, knife, or explosive weapon; aggravated kidnapping; aggravated robbery; aggravated sexual assault; indecency with a child; trafficking of persons; or continuous trafficking of persons] Pursuant to Section 11d of Article I of the Texas Constitution, the below signed Magistrate finds that the attorney representing the state did NOT demonstrate:

- by a preponderance of the evidence after a hearing that the granting of bail is insufficient to reasonably prevent the Defendant’s willful nonappearance in court.
- by clear and convincing evidence after a hearing that the granting of bai is insufficient to reasonably ensure the safety of the community, law enforcement, and the victim of the alleged offense.

The Magistrate bases this determination on the following findings of fact and the below statement of justification for the above determination and the grant of bail:

Magistrate’s Signature

Magistrate’s Printed or Typewritten Name

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 certain felonies, Section 11d, Article I of the Texas Constitution requires bail to be denied pending trial if the attorney representing the state, at a hearing, demonstrates either by a preponderance of the evidence that the bail is insufficient to reasonably prevent the Defendant's willful nonappearance in court or by clear and convincing evidence that the granting of bail is insufficient to reasonably ensure the safety of the community, law enforcement, and the victim of the alleged offense. If bail is granted under this section, certain written findings by the magistrate are required. For a complete listing of instances in which bail can or shall be denied, see *TMCEC Bench Book*, Chapter 1.

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

APPLICATION FOR FURTHER DETENTION

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

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

Date

Applicant

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

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

ORDER

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

SIGNED this ____ day of _____, 20__.

Magistrate

Printed Name: _____

Municipal Judge, City of _____

County, Texas

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

Report #: _____

Agency: _____

Charge: _____, a fine-only misdemeanor.

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

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

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

Magistrate

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) and (h), 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 undersigned magistrate enters the following written findings:

- Insufficient factual detail provided
- Failure to identify the defendant
- Failure to establish the defendant's involvement in or relation to the offense or victim
- Failure to establish essential elements of the offense alleged
- Affidavit based on unreliable witness or information
- Mistaken legal basis shown
- Incorrect offense alleged
- Incorrect date of offense alleged
- _____

Additional Notes or Comments: _____

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

Editor's Note: Effective September 1, 2025, Article 15.17(h) of the Code of Criminal Procedure requires magistrates to enter written findings in support of a determination that no probable cause exists to believe that a person committed the offense for which the person was arrested not later than 24 hours after such a determination.

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

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 is indigent or does not have sufficient resources or income to pay all or part of the fine and/or costs; and each alternative method of discharging the fine under Article 45A.254, Code of Criminal Procedure, would impose an undue hardship on the Defendant. **It is therefore Ordered and Adjudged** that payment of all or part of the fine and court costs by the Defendant are waived and thus discharged. Amount waived: \$ _____

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.

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§

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.

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§

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. 43.032 (Continuous 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” or an offense listed in Article 17.03(b-2)(B) are not eligible for personal bond. This includes all the offenses listed on this form *except* Promotion of Prostitution, Online Promotion of Prostitution, Continuous 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. 17.028(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. 17.028(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

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

Editor's Notes: Beginning with Magistrate's Orders of Emergency Protection applied for on or after June 1, 2024, magistrates are required to use the form promulgated by the Office of Court Administration. See S.B. 48 (2023). To access the form and other protective order forms, go to <https://www.txcourts.gov/rules-forms/standardized-protective-order-forms/>.

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 Notes: Beginning with Magistrate's Orders of Emergency Protection applied for on or after June 1, 2024, magistrates are required to use the form promulgated by the Office of Court Administration. See S.B. 48 (2023). To access the form and other protective order forms, go to <https://www.txcourts.gov/rules-forms/standardized-protective-order-forms/>.

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*) (1) evidences mental illness and because of that mental illness, evidences a substantial risk of serious harm to (himself)(herself) or others, severe emotional distress and deterioration in (his)(her) mental condition, or an inability to recognize symptoms or appreciate the risks and benefits of treatment; (2) (he)(she) is likely without immediate detention to suffer serious risk of harm or to inflict serious harm on another person; (3) the risk of harm is imminent unless (he)(she) 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.

§

Respondent

§

COUNTY, TEXAS

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: 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) 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.

MAGISTRATE’S ORDER FOR MENTAL ILLNESS/INTELLECTUAL DISABILITY ASSESSMENT (Art. 16.22, C.C.P.)

NO: _____

STATE OF TEXAS

§

MAGISTRATE FOR

VS.

§

§

COUNTY, TEXAS

Respondent

ORDER

The Court, on this day having heard the evidence and arguments, finds that the Respondent _____, is a person currently committed to the custody of the (Sheriff of _____ County, Texas) (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: Visit <https://www.tdcj.texas.gov/divisions/rrd/tcoommi.html> for a pdf version of this form and detailed instructions. Monitor that webpage 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.

§

Respondent

§

COUNTY, TEXAS

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 an 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