

# 2025 89<sup>th</sup> Legislature 2nd Special Session Summaries for Justice Courts & Constables

## HB 16

This bill includes new laws relating to the practices and procedures of the judicial branch. It includes topics such as court security, court documents, court fees, record retention, youth diversion, and new criminal offenses.

Full text of the bill can be found here:

<https://capitol.texas.gov/tlodocs/892/billtext/doc/HB00016F.docx>

\*Note, the first 58 pages of the bill largely apply to courts other than justice courts.

Effective Date: 91<sup>st</sup> day after the last day of the legislative session (12/4/2025), with some exceptions (see below).

### *Changes impacting justice courts:*

- Adds CCP Arts. 102.0061 (takes effect 1/1/26) and 102.006 (takes effect immediately and expires 1/1/2026), reinstating the \$100 fee for Ch. 55A expunctions. This means that there was no \$100 expunction fee from September 1 – September 16. TJCTC suggests that if a fee was charged in error during that time, it should be refunded. **\*\*Note, this is different than what was originally in the TJCTC Legislative Update due to this special session bill.**
- Modifies CCP Art. 45A.302 to change the fine in a deferral order back to a special expense fee. Note, nothing else in the statute was changed, but by calling it a “fee” rather than a “fine” this could impact how the fee is imposed and collected to some degree.
- Modified CCP Art. 17.292(n) allowing the trial court with jurisdiction over an offense to modify a Magistrate’s EPO without requiring a transfer of the case. This means that a county or district judge will be able to modify the justice of the peace’s MOEP/EPO directly, once a charging instrument is filed in their court.
- Modified CCP Art. 45A.251 to allow time in jail awaiting trial on a separate offense, not just for a sentence, to count as time-served on a Class C misdemeanor. This means that essentially any time that a defendant spends in jail after committing the Class C offense can be counted as jail credit.

- Modified CCP Arts. 45A.254, 45A.459, and 45A.460 to make the minimum credit for community service \$150 per 8 hours. Note, this will apply for any community service ordered on or after December 4, 2025, regardless of the date of offense.
- Modified CCP Art. 45A.501 to add a definition of traffic offense for the purposes of Youth/Juvenile Criminal Diversion (definition is same as *Family Code Sec. 51.02(16)*... *a violation of a penal statute cognizable under Chapter 729, Transportation Code, except for conduct for which the person convicted may be sentenced to imprisonment or confinement in jail; or a violation of a motor vehicle traffic ordinance of an incorporated city or town in this state.*).
- Modified CCP Art. 45A.504 to allow a diversion every 12 months instead of 365 days and allows diversion for more than one offense if the offenses arise from the same criminal episode.
- Repealed CCP Art. 45A.251(a-1) which required an opportunity for diversion after trial, along with deletion of references to it.
- Modified CCP Art. 45A.512 to make the diversion fee "not to exceed \$50" instead of \$50.
- Government Code Sec. 74.092 was modified to require one judge of each type of court in the county, including a justice of the peace to serve as a member of each county court security committee.

*Changes impacting constables:*

- Government Code Sec. 74.092 was modified to require a representative of a constable's office as a member of each county court security committee.

## **HB 20**

This bill aims to prevent or reduce fraudulent charitable solicitations and theft during declared disasters, including creating a new criminal offense.

Full text of the bill can be found here:

<https://capitol.texas.gov/tlodocs/892/billtext/doc/HB00020F.docx>

Effective Date: 91<sup>st</sup> day after the last day of the legislative session (12/4/2025)

*Changes impacting justice courts:*

- Increases the punishment range for offenses under Penal Code Sec. 31.03 (theft) if the property was valued at less than \$30,000 and stolen in a disaster area and the accused was either a disaster volunteer or purported to be a disaster volunteer.

Note, these cases will not be filed in justice court, but the justice of the peace may act as magistrate for these arrests or may issue warrants for this offense.

- Added Penal Code Sec. 32.61 creating the new offense of Malicious Solicitation of Disaster Victim or For Disaster Response or Recovery. Note, these cases will not be filed in justice court, but the justice of the peace may act as magistrate for these arrests or may issue warrants for this offense.
- Added Civil Practice and Remedies Code Chapter 100D Liability for Malicious Solicitation During Disaster. Note, a person could be sued in small claims case for this type of liability if the damages sought are less than \$20,000.

## **HB 26**

This bill relates to contracting with law enforcement agencies in large counties (*currently only Harris County*).

Full text of the bill can be found here:

<https://capitol.texas.gov/tlodocs/892/billtext/doc/HB00026F.docx>

Effective Date: 91<sup>st</sup> day after the last day of the legislative session (12/4/2025)

*Changes impacting constables:*

- Adds Local Government Code Sec. 86.026 which provides authority for constable offices in counties with a population of more than 3.3 million people to contract with local government, a property owners' association, or an owner of land to provide law enforcement services in the constable's precinct. More details can be found in the bill.

## **HB 192**

This bill relates to the funding of law enforcement agencies in large counties (*currently only Harris County*).

Full text of the bill can be found here:

<https://capitol.texas.gov/tlodocs/892/billtext/doc/HB00192F.docx>

Effective Date: 91<sup>st</sup> day after the last day of the legislative session (12/4/2025)

*Changes impacting constables:*

- Amends Local Government Code Sec. 120.002, applying the new subsection only to counties with a population of more than 3.3 million and requiring elections for voter approval when budgets reallocate funding previously appropriated to law enforcement agencies. More details can be found in the bill.
- Added Local Government Code Sec. 130.903 creating requirements and prohibitions related to how a county may handle money appropriated to and received by the sheriff's office or a constable's office in counties with populations of more than 3.3 million. More details can be found in the bill.