

1-1 By: Zaffirini S.B. No. 2111
1-2 (In the Senate - Filed March 10, 2025; March 24, 2025, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 16, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 16, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Flores	X			
1-10	Parker	X			
1-11	Hagenbuch	X			
1-12	Hinojosa of Hidalgo	X			
1-13	Huffman	X			
1-14	King	X			
1-15	Miles	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2111 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to legal representation of indigent persons in this state
1-20 and to proceedings before a magistrate including the appointment of
1-21 counsel for an indigent defendant.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Article 11.074, Code of Criminal Procedure, is
1-24 amended by amending Subsection (b) and adding Subsection (b-1) to
1-25 read as follows:

1-26 (b) If at any time the state represents to the convicting
1-27 court that an eligible indigent defendant under Article 1.051 has
1-28 under a writ of habeas corpus a potentially meritorious claim for
1-29 relief from a judgment described by Subsection (a) ~~[who was~~
1-30 ~~sentenced or had a sentence suspended is not guilty, is guilty of~~
1-31 ~~only a lesser offense, or was convicted or sentenced under a law~~
1-32 ~~that has been found unconstitutional by the court of criminal~~
1-33 ~~appeals or the United States Supreme Court],~~ the court shall
1-34 appoint an attorney to investigate the claim and represent the
1-35 indigent defendant for purposes of filing an application for a writ
1-36 of habeas corpus, if an application has not been filed, or to
1-37 otherwise represent the indigent defendant in a proceeding based on
1-38 the application for the writ.

1-39 (b-1) For purposes of Subsection (b), a potentially
1-40 meritorious claim is any claim the court determines is likely to
1-41 provide relief, including a claim that the defendant:

- 1-42 (1) is or may be actually innocent of the offense;
1-43 (2) is or may be guilty of only a lesser offense;
1-44 (3) was or may have been convicted or sentenced under a
1-45 law that has been found unconstitutional by the court of criminal
1-46 appeals or the United States Supreme Court; or
1-47 (4) was or may have been convicted or sentenced in
1-48 violation of the constitution of this state or the United States.

1-49 SECTION 2. Articles 15.17(a) and (f), Code of Criminal
1-50 Procedure, are amended to read as follows:

1-51 (a) (1) In each case enumerated in this Code, the person
1-52 making the arrest or the person having custody of the person
1-53 arrested shall without unnecessary delay, but not later than 48
1-54 hours after the person is arrested, take the person arrested or have
1-55 the person ~~[him]~~ taken before some magistrate of the county where
1-56 the person ~~[accused]~~ was arrested or, to provide more expeditiously
1-57 to the person arrested the warnings described by this article,
1-58 before a magistrate in any other county of this state. The arrested
1-59 person may be taken before the magistrate in person or the image and
1-60 sound of the arrested person may be presented to the magistrate by

means of a videoconference. For purposes of this subsection, "videoconference" means a two-way electronic communication of image and sound between the arrested person and the magistrate and includes secure Internet videoconferencing.

(2) The magistrate shall inform in clear language the person arrested, either in person or through a videoconference, of:

(A) the accusation against the person ~~[him]~~ and of any affidavit filed with the accusation;

(B) the person's ~~[therewith, of his]~~ right to retain counsel;

(C) the person's ~~[, of his]~~ right to remain silent and to not make a statement;

(D) the fact that any statement the person makes may be used against the person;

(E) the person's ~~[, of his]~~ right to have an attorney present during any interview with peace officers or attorneys representing the state;

(F) the person's ~~[, of his]~~ right to terminate the interview at any time;

(G) the person's ~~[, and of his]~~ right to have an examining trial;

(H) ~~[. The magistrate shall also inform the person arrested of]~~ the person's right to request the appointment of counsel if the person cannot afford counsel; and

(I) ~~[. The magistrate shall inform the person arrested of]~~ the procedures for requesting appointment of counsel.

(3) If applicable, the magistrate shall inform the person that the person may file the affidavit described by Article 17.028(f).

(4) If the person does not speak and understand the English language or is deaf, the magistrate shall inform the person in a manner consistent with Articles 38.30 and 38.31, as appropriate.

(5) If the proceeding is conducted through a videoconference, the magistrate shall ensure that the arrested person is able to connect to and understand the image and sound of the videoconference.

(6) If the magistrate has reasonable cause to believe that the arrested person has a mental illness or is a person with an intellectual disability, the magistrate shall follow the procedures under Article 16.22.

(7) If the magistrate is unable to ensure that the arrested person is able to understand and participate in the proceeding, the magistrate shall:

(A) if the magistrate has appointing authority, appoint counsel for the person; or

(B) if the magistrate does not have appointing authority, notify the appointing authority of the person's inability to understand and participate in the proceeding.

(8) The magistrate shall ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the arrested person at the same time the person is informed of the person's rights under this subsection.

(9) If the ~~[person]~~ arrested person is indigent and requests appointment of counsel and if the magistrate is authorized under Article 26.04 to appoint counsel for indigent defendants in the county, the magistrate shall appoint counsel in accordance with Article 1.051. If the magistrate is not authorized to appoint counsel, the magistrate shall without unnecessary delay, but not later than 24 hours after the ~~[person]~~ arrested person requests appointment of counsel, transmit, or cause to be transmitted to the court or to the courts' designee authorized under Article 26.04 to appoint counsel in the county, the necessary forms for requesting and ruling on the appointment of counsel. ~~[The magistrate shall also inform the person arrested that he is not required to make a statement and that any statement made by him may be used against him.]~~

(10) The magistrate shall allow the ~~[person]~~ arrested

person reasonable time and opportunity to consult counsel and shall, after determining whether the person is currently on bail for a separate criminal offense and whether the bail decision is subject to Article 17.027, admit the person ~~[arrested]~~ to bail if allowed by law.

(11) A record of the communication between the arrested person and the magistrate shall be made. ~~[The record shall be preserved until the earlier of the following dates:~~

~~[(1) the date on which the pretrial hearing ends, or
[(2) the 91st day after the date on which the record is made if the person is charged with a misdemeanor or the 120th day after the date on which the record is made if the person is charged with a felony. For purposes of this subsection, "videoconference" means a two-way electronic communication of image and sound between the arrested person and the magistrate and includes secure Internet videoconferencing.]~~

(f) A record required under Subsection (a) or (e) may consist of written forms, electronic recordings, or other documentation as authorized by procedures adopted in the county under Article 26.04(a). The record must be retained for at least two years after final judgment is entered in the case or the proceedings are otherwise terminated. The counsel for the defendant may obtain a copy of the record on payment of a reasonable amount to cover the costs of reproduction or, if the defendant is indigent, the court shall provide a copy to the defendant without charging a cost for the copy.

SECTION 3. Article 26.04, Code of Criminal Procedure, is amended by adding Subsection (i-1) to read as follows:

(i-1) Notwithstanding Subsection (j)(2) or any other law, and if funds are appropriated by a county for this purpose, an attorney may be appointed under this article to represent an indigent person for the sole purpose of providing counsel in relation to that person's appearance before a magistrate as required by Article 14.06(a), 15.17(a), or 15.18(a). The attorney may represent the person in subsequent proceedings of that case, only if appointed for that purpose under the other provisions of this article.

SECTION 4. Article 26.044, Code of Criminal Procedure, is amended by adding Subsection (i-1) and amending Subsection (l) to read as follows:

(i-1) Notwithstanding Subsection (i)(1), an attorney engaged in the private practice of criminal law may be employed by a public defender's office on a part-time basis for the sole purpose of providing counsel in relation to an indigent person's appearance before a magistrate as required by Article 14.06(a), 15.17(a), or 15.18(a).

(l) A public defender's office may investigate the financial condition of any person the public defender's office is appointed to represent. ~~[The public defender's office shall report the results of the investigation to the appointing judge. The judge may hold a hearing to determine if the person is indigent and entitled to representation under this article.]~~

SECTION 5. Article 26.047(a)(2), Code of Criminal Procedure, is amended to read as follows:

(2) "Managed assigned counsel program" or "program" means a program to perform delegated judicial functions using public funds that is operated ~~[with public funds]:~~

(A) by a governmental entity, nonprofit corporation, or bar association under a written agreement with a governmental entity, other than an individual judge or court; ~~[and]~~

(B) for the purpose of appointing counsel under Article 26.04 of this code or Section 51.10, Family Code;

(C) for the purpose of appointing or providing an investigator, expert, or other support services for appointed counsel and their clients;

(D) for the purpose of approving a payment to an attorney, investigator, or expert, and for other reasonable and necessary expenses under Article 26.05 or 26.052, including a payment for legal representation in a related matter for the

purpose of ensuring the right to counsel in the primary matter; and
 (E) for the purpose of overseeing and improving
 the quality of representation provided to clients by attorneys
 appointed under this article.

SECTION 6. Article 26.047, Code of Criminal Procedure, is
 amended by amending Subsections (c), (f), and (g) and adding
 Subsection (j) to read as follows:

(c) The commissioners court or commissioners courts shall
 require a written plan of operation from an entity operating a
 program under this article. The plan of operation must include:

(1) a budget for the program, including salaries;
 (2) a description of each personnel position,
 including the program's director;

(3) the maximum allowable caseload for each attorney
 appointed by the program;

(4) provisions for training personnel of the program
 and attorneys appointed under the program;

(5) a description of anticipated overhead costs for
 the program;

(6) a policy regarding licensed investigators and
 expert witnesses used by attorneys appointed under the program;

(7) a policy to ensure that appointments are
 reasonably and impartially allocated among qualified attorneys;
~~[and]~~

(8) a policy to ensure that an attorney appointed
 under the program does not accept appointment in a case that
 involves a conflict of interest for the attorney that has not been
 waived by all affected clients;

(9) a policy describing the circumstances under which
 the program may allow appointed counsel to provide representation
 in a related matter for the purpose of ensuring the right to counsel
 in the primary matter;

(10) a policy describing the circumstances under
 which:

(A) an attorney may withdraw from a case; and
 (B) good cause is established to remove an
 attorney from a case; and

(11) procedures the program will use to maintain the
 confidentiality of data related to clients whose information is
 held in the juvenile justice system, including which staff may
 access that data.

(f) The program's public appointment list from which an
 attorney is appointed must contain the names of qualified
 attorneys, each of whom:

(1) applies to be included on the list;

(2) meets any applicable requirements specified by the
 procedure for appointing counsel adopted under Article 26.04(a) and
 any other requirements specified by the Texas Indigent Defense
 Commission; and

(3) is approved by the program director or review
 committee, as applicable.

(g) A court may replace an attorney appointed by the program
 for the same reasons and in the same manner described by Article
 26.04(k). The notice and reason for the replacement of counsel must
 be documented in the same manner as the original appointment.

(j) A program may receive information necessary to perform
 the program's functions under this article, including materials
 that are subject to attorney-client privilege, subject to attorney
 work-product privilege, or otherwise protected by constitutional
 or statutory rights of a client represented by an attorney
 appointed under this article. Information and materials described
 by this subsection and information and materials related to a
 purpose described by Subsection (a)(2)(C) are confidential and not
 subject to disclosure, and the program, the attorneys appointed
 under this article, and other individuals, as applicable, shall
 maintain the confidentiality of any information or materials
 described by this subsection.

SECTION 7. Article 26.05, Code of Criminal Procedure, is
 amended by amending Subsections (a), (c), and (d) and adding

Subsection (d-1) to read as follows:

(a) A counsel, other than an attorney with a public defender's office or an attorney employed by the office of capital and forensic writs, appointed to represent a defendant in a criminal proceeding, including a habeas corpus hearing, shall be paid a reasonable attorney's fee for performing the following services, based on the time and labor required, the complexity of the case, and the experience and ability of the appointed counsel:

(1) time spent in court making an appearance on behalf of the defendant as evidenced by a docket entry, time spent in trial, and time spent in a proceeding in which sworn oral testimony is elicited;

(2) reasonable and necessary time spent out of court on the case, including time spent traveling to perform legal services outside the county where the case is pending, supported by any documentation that the court requires;

(3) preparation of an appellate brief and preparation and presentation of oral argument to a court of appeals or the Court of Criminal Appeals; and

(4) preparation of a motion for rehearing.

(c) Each fee schedule adopted shall state reasonable fixed rates or minimum and maximum hourly rates, taking into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates, and shall provide a form for the appointed counsel to itemize the types of services performed. No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.047, to the director of the program or the director's designee, and until the judge or the director or director's designee, as applicable, approves the payment. If the judge or the director or director's designee disapproves the requested amount of payment, the judge or the director or director's designee shall make written findings stating the amount of payment that the judge or the director or director's designee approves and each reason for approving an amount different from the requested amount. An attorney whose request for payment is disapproved or is not otherwise acted on by the 60th day after the date the request for payment is submitted may appeal the disapproval or failure to act by filing a motion with the presiding judge of the administrative judicial region. On the filing of a motion, the presiding judge of the administrative judicial region shall review the disapproval of payment or failure to act and determine the appropriate amount of payment. In reviewing the disapproval or failure to act, the presiding judge of the administrative judicial region may conduct a hearing. Not later than the 45th day after the date an application for payment of a fee is submitted under this article, the commissioners court shall pay to the appointed counsel the amount that is approved by the presiding judge of the administrative judicial region and that is in accordance with the fee schedule for that county.

(d) A counsel in a noncapital case, other than an attorney with a public defender's office, appointed to represent a defendant under this code shall be reimbursed for reasonable and necessary expenses, including expenses for:

(1) investigation;
(2) [and for] mental health and other experts; and
(3) if the defendant is confined in a correctional facility located more than 50 miles from the court in which the defendant's proceeding is pending:

(A) travel to the defendant's location for a confidential communication and food and lodging related to that travel; and

(B) any costs associated with remotely entering into a confidential communication with the defendant.

(d-1) Expenses under Subsection (d) incurred with prior court approval shall be reimbursed in the same manner provided for capital cases by Articles 26.052(f) and (g), and expenses under

Subsection (d) incurred without prior court approval shall be reimbursed in the manner provided for capital cases by Article 26.052(h).

SECTION 8. Article 26.051, Code of Criminal Procedure, is amended by amending Subsections (g), (h), and (i) and adding Subsection (h-1) to read as follows:

(g) The court shall appoint the public defender's office or an attorney other than an attorney provided by the board if the court determines for any of the following reasons that a conflict of interest could arise from the use of an attorney provided by the board under Subsection (e) [of this article]:

(1) the case involves more than one inmate and the representation of more than one inmate could impair the attorney's effectiveness;

(2) the case is appealed and the court is satisfied that conflict of interest would prevent the presentation of a good faith allegation of ineffective assistance of counsel by a trial attorney provided by the board; or

(3) any conflict of interest exists under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas that precludes representation by an attorney appointed by the board.

(h) When the court appoints the public defender's office or an attorney other than an attorney provided by the board:

(1) except as otherwise provided by this article, the inmate's legal defense is subject to Articles 1.051, 26.04, 26.044, 26.05, and 26.052, as applicable; and

(2) the county in which a facility of the correctional institutions division or a correctional facility authorized by Section 495.001, Government Code, is located shall pay from its general fund the total costs of the aggregate amount allowed and awarded by the court for attorney compensation and expenses under Article 26.05 or 26.052, as applicable.

(h-1) If the court appoints a public defender's office under Subsection (g), the public defender's office shall certify to the court the amount of expenses incurred in the representation. The court shall submit the certified amount to the comptroller for reimbursement of the county by the state as described by Subsection (i).

(i) The state shall reimburse a county for attorney compensation and expenses awarded under Subsection (h) and for any expenses of a public defender's office that are certified under Subsection (h-1). A court seeking reimbursement for a county shall certify to the comptroller of public accounts the amount of compensation and expenses for which the county is entitled to be reimbursed under this article. Not later than the 60th day after the date the comptroller receives from the court the request for reimbursement, the comptroller shall issue a warrant to the county in the certified amount [certified by the court].

SECTION 9. Section 79.037(a), Government Code, is amended to read as follows:

(a) The commission shall:

(1) provide technical support to:

(A) assist counties in improving their systems for providing indigent defense services, including indigent defense support services;

(B) assist counties in improving their systems for providing family protection services; and

(C) promote compliance by counties with the requirements of state law relating to indigent defense and family protection services;

(2) to assist a county in providing or improving the provision of indigent defense services and family protection services in the county, distribute in the form of grants any funds appropriated for the purposes of this section to one or more of the following entities:

(A) the county;

(B) a law school's legal clinic or program that provides indigent defense services in the county;

(C) a regional public defender that meets the requirements of Subsection (e) and provides indigent defense services in the county;

(D) an entity described by Section 791.013 that provides to a county administrative services under an interlocal contract entered into for the purpose of providing or improving the provision of indigent defense services or family protection services in the county;

(E) a nonprofit corporation that provides indigent defense services, indigent defense support services, or family protection services in the county; and

(F) an office of child representation or office of parent representation created under Subchapter G, Chapter 107, Family Code; ~~and~~

(3) monitor each entity that receives a grant under Subdivision (2) and enforce compliance with the conditions of the grant, including enforcement by:

(A) withdrawing grant funds; or

(B) requiring reimbursement of grant funds by the entity; and

(4) provide grants and awards through the Texas Public Defense Internship and Fellowship Program described by Section 79.038.

SECTION 10. Subchapter C, Chapter 79, Government Code, is amended by adding Section 79.038 to read as follows:

Sec. 79.038. TEXAS PUBLIC DEFENSE INTERNSHIP AND FELLOWSHIP PROGRAM. (a) The commission shall establish the Texas Public Defense Internship and Fellowship Program to provide grants to entities described by Section 79.037 to provide, with the assistance of students enrolled at and recent graduates of public and private institutions of higher education in this state, legal representation to indigent persons under:

(1) Article 26.04, Code of Criminal Procedure;

(2) Title 3, Family Code; and

(3) Title 5, Family Code.

(b) The program may make direct awards to students and recent graduates described by Subsection (a) for purposes of providing legal representation as described by that subsection.

SECTION 11. Section 411.082, Government Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Managed assigned counsel program" has the meaning assigned by Article 26.047, Code of Criminal Procedure.

SECTION 12. Section 411.088(a-1), Government Code, is amended to read as follows:

(a-1) The department may not charge a fee under Subsection (a) for providing criminal history record information to:

(1) a criminal justice agency;

(2) the office of capital and forensic writs; ~~or~~

(3) a public defender's office; or

(4) a managed assigned counsel program.

SECTION 13. Section 411.1272, Government Code, is amended to read as follows:

Sec. 411.1272. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: OFFICE OF CAPITAL AND FORENSIC WRITS, ~~AND~~ PUBLIC DEFENDER'S OFFICES, AND MANAGED ASSIGNED COUNSEL PROGRAMS. The office of capital and forensic writs, ~~and~~ a public defender's office, and a managed assigned counsel program are entitled to obtain from the department criminal history record information maintained by the department that relates to a criminal case in which an attorney compensated by the office of capital and forensic writs or by the public defender's office has been appointed by the court or in which an attorney has been appointed by the managed assigned counsel program, as applicable ~~[has been appointed].~~

SECTION 14. Section 25.025(a), Tax Code, as amended by Chapters 76 (S.B. 617), 152 (S.B. 870), 430 (H.B. 1911), 765 (H.B. 4504), and 937 (S.B. 1525), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

(a) This section applies only to:

(1) a current or former peace officer as defined by

8-1 Article 2A.001, Code of Criminal Procedure, and the spouse or
8-2 surviving spouse of the peace officer;
8-3 (2) the adult child of a current peace officer as
8-4 defined by Article 2A.001, Code of Criminal Procedure;
8-5 (3) a current or honorably retired county jailer as
8-6 defined by Section 1701.001, Occupations Code;
8-7 (4) an employee of the Texas Department of Criminal
8-8 Justice;
8-9 (5) a commissioned security officer as defined by
8-10 Section 1702.002, Occupations Code;
8-11 (6) an individual who shows that the individual, the
8-12 individual's child, or another person in the individual's household
8-13 is a victim of family violence as defined by Section 71.004, Family
8-14 Code, by providing:
8-15 (A) a copy of a protective order issued under
8-16 Chapter 85, Family Code, or a magistrate's order for emergency
8-17 protection issued under Article 17.292, Code of Criminal Procedure;
8-18 or
8-19 (B) other independent documentary evidence
8-20 necessary to show that the individual, the individual's child, or
8-21 another person in the individual's household is a victim of family
8-22 violence;
8-23 (7) an individual who shows that the individual, the
8-24 individual's child, or another person in the individual's household
8-25 is a victim of sexual assault or abuse, stalking, or trafficking of
8-26 persons by providing:
8-27 (A) a copy of a protective order issued under
8-28 Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a
8-29 magistrate's order for emergency protection issued under Article
8-30 17.292, Code of Criminal Procedure; or
8-31 (B) other independent documentary evidence
8-32 necessary to show that the individual, the individual's child, or
8-33 another person in the individual's household is a victim of sexual
8-34 assault or abuse, stalking, or trafficking of persons;
8-35 (8) a participant in the address confidentiality
8-36 program administered by the attorney general under Subchapter B,
8-37 Chapter 58, Code of Criminal Procedure, who provides proof of
8-38 certification under Article 58.059, Code of Criminal Procedure;
8-39 (9) a federal judge, a federal bankruptcy judge, a
8-40 marshal of the United States Marshals Service, a state judge, or a
8-41 family member of a federal judge, a federal bankruptcy judge, a
8-42 marshal of the United States Marshals Service, or a state judge;
8-43 (10) a current or former district attorney, criminal
8-44 district attorney, or county or municipal attorney whose
8-45 jurisdiction includes any criminal law or child protective services
8-46 matters;
8-47 (11) a current or former employee of a district
8-48 attorney, criminal district attorney, or county or municipal
8-49 attorney whose jurisdiction includes any criminal law or child
8-50 protective services matters;
8-51 (12) an officer or employee of a community supervision
8-52 and corrections department established under Chapter 76,
8-53 Government Code, who performs a duty described by Section 76.004(b)
8-54 of that code;
8-55 (13) a criminal investigator of the United States as
8-56 described by Article 2A.002(a), Code of Criminal Procedure;
8-57 (14) a current or honorably retired police officer or
8-58 inspector of the United States Federal Protective Service;
8-59 (15) a current or former United States attorney,
8-60 assistant United States attorney, federal public defender, deputy
8-61 federal public defender, or assistant federal public defender and
8-62 the spouse and child of the attorney or public defender;
8-63 (16) a current or former employee of the office of the
8-64 attorney general who is or was assigned to a division of that office
8-65 the duties of which involve law enforcement or are performed under
8-66 Chapter 231, Family Code;
8-67 (17) a medical examiner or person who performs
8-68 forensic analysis or testing who is employed by this state or one or
8-69 more political subdivisions of this state;

(18) a current or former member of the United States armed forces who has served in an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat;

(19) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department;

(20) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;

(21) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;

(22) a current or former employee of the Texas Civil Commitment Office or the predecessor in function of the office or a division of the office;

(23) a current or former employee of a federal judge or state judge;

(24) a current or former child protective services caseworker, adult protective services caseworker, or investigator for the Department of Family and Protective Services or a current or former employee of a department contractor performing child protective services caseworker, adult protective services caseworker, or investigator functions for the contractor on behalf of the department;

(25) an elected public officer;

(26) a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code;

(27) a customs and border protection officer or border patrol agent of United States Customs and Border Protection or the spouse, surviving spouse, or adult child of a customs and border protection officer or border patrol agent;

~~(28) [(27) a current or former attorney for the Department of Family and Protective Services~~

~~[(27)]~~ a current or former employee or contract staff member of a university health care provider at a corrections facility operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department; ~~[and]~~

~~(29) [(28)] a current or former attorney for the Department of Family and Protective Services;~~

(30) an employee of a public defender's office, as defined by Article 26.044, Code of Criminal Procedure; and

(31) an employee of a managed assigned counsel program, as defined by Article 26.047, Code of Criminal Procedure.

SECTION 15. Section 730.007(c), Transportation Code, is amended to read as follows:

(c) This section does not:

(1) prohibit the disclosure of a person's photographic image to:

(A) a law enforcement agency, the Texas Department of Motor Vehicles, a county tax assessor-collector, or a criminal justice agency for an official purpose;

(B) an agency of this state investigating an alleged violation of a state or federal law relating to the obtaining, selling, or purchasing of a benefit authorized by Chapter 31 or 33, Human Resources Code; ~~[or]~~

(C) an agency of this state investigating an alleged violation of a state or federal law under authority provided by Title 4, Labor Code; or

(D) a private investigator licensed under Chapter 1702, Occupations Code, who is employed by a public defender's office for an official purpose; or

(2) prevent a court from compelling by subpoena the production of a person's photographic image.

SECTION 16. To the extent of any conflict, this Act prevails over another Act of the 89th Legislature, Regular Session, 2025,

relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 17. Article 11.074, Code of Criminal Procedure, as amended by this Act, applies regardless of whether the offense for which the applicant is in custody was committed before, on, or after the effective date of this Act.

SECTION 18. Article 15.17, Code of Criminal Procedure, as amended by this Act, and Article 26.04(i-1), Code of Criminal Procedure, as added by this Act, apply only to a person who is arrested on or after the effective date of this Act. A person arrested before the effective date of this Act is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

SECTION 19. Article 26.05, Code of Criminal Procedure, as amended by this Act, applies only to expenses incurred on or after the effective date of this Act.

SECTION 20. This Act takes effect September 1, 2025.

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