

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Code of Criminal Procedure
Chapter 25A
6/1/26

CHAPTER 25A. SERVICE OF COPY OF INDICTMENT OR INFORMATION

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CHAPTER 25A. SERVICE OF COPY OF INDICTMENT OR INFORMATION

Revised Law

Art. 25A.01. SERVICE TO DEFENDANT IN CUSTODY IN FELONY
CASE. (a) In a felony case, when a defendant is in custody or as
soon as the defendant is arrested, the clerk of the court in which
the indictment is presented shall immediately:

(1) make a certified copy of the indictment; and

(2) deliver the copy to the sheriff with a writ
commanding the sheriff to immediately deliver the copy to the
defendant.

(b) On the receipt of a certified copy and writ under
Subsection (a), the sheriff shall immediately:

(1) deliver the copy to the defendant; and

(2) return the writ to the clerk with the sheriff's
return of service showing when and how the writ was executed. (Code
Crim. Proc., Arts. 25.01, 25.02.)

Source Law

Art. 25.01. IN FELONY. In every case of felony,
when the accused is in custody, or as soon as he may be
arrested, the clerk of the court where an indictment
has been presented shall immediately make a certified
copy of the same, and deliver such copy to the sheriff,
together with a writ directed to such sheriff,
commanding him forthwith to deliver such certified

1 copy to the accused.

2 Art. 25.02. SERVICE AND RETURN. Upon receipt of
3 such writ and copy, the sheriff shall immediately
4 deliver such certified copy of the indictment to the
5 accused and return the writ to the clerk issuing the
6 same, with his return thereon, showing when and how the
7 same was executed.

8 Revisor's Note

9 (1) Articles 25.01 and 25.02, Code of Criminal
10 Procedure, refer to the "accused." Throughout this
11 chapter, the revised law substitutes "defendant" for
12 "accused" because, in this context, the terms are
13 synonymous and "defendant" is more commonly used in
14 the Code of Criminal Procedure.

15 (2) Article 25.02, Code of Criminal Procedure,
16 refers to actions a sheriff must take upon receipt of
17 "such" writ and copy. The provisions requiring the
18 delivery of the writ and copy are in Article 25.01,
19 Code of Criminal Procedure, revised as Article
20 25A.01(a) of this chapter. For clarity and the
21 convenience of the reader, the revised law substitutes
22 a cross-reference to that subsection for the quoted
23 language.

24 Revised Law

25 Art. 25A.02. SERVICE TO DEFENDANT ON BAIL IN FELONY CASE.
26 In a felony case, if a defendant is released on bail at the time the
27 indictment is presented, the clerk of the court in which the
28 indictment is presented shall deliver a copy of the indictment to
29 the defendant or the defendant's counsel at the earliest possible
30 time. (Code Crim. Proc., Art. 25.03.)

31 Source Law

32 Art. 25.03. IF ON BAIL IN FELONY. When the
33 accused, in case of felony, is on bail at the time the
34 indictment is presented, the clerk shall deliver a
35 copy of the indictment to the accused or the accused's
36 counsel at the earliest possible time.

37 Revisor's Note

38 Article 25.03, Code of Criminal Procedure,
39 requires "the clerk" to deliver a copy of the

1 indictment to the accused or the accused's counsel.
2 Article 25.01, Code of Criminal Procedure, revised as
3 Article 25A.01(a) of this chapter, requires similar
4 duties of "the clerk of the court where an indictment
5 has been presented." It is clear from the context that
6 "the clerk" is a reference to the clerk of the court in
7 which the indictment is presented and the revised law
8 is drafted accordingly.

9 Revised Law

10 Art. 25A.03. SERVICE IN MISDEMEANOR CASE. In a misdemeanor
11 case, the clerk of the court in which an indictment or information
12 is presented shall deliver a copy of the indictment or information
13 to the defendant or the defendant's counsel at the earliest
14 possible time before trial. (Code Crim. Proc., Art. 25.04.)

15 Source Law

16 Art. 25.04. IN MISDEMEANOR. In misdemeanors,
17 the clerk shall deliver a copy of the indictment or
18 information to the accused or the accused's counsel at
19 the earliest possible time before trial.

20 Revisor's Note

21 Article 25.04, Code of Criminal Procedure,
22 requires "the clerk" to deliver a copy of the
23 indictment or information in a misdemeanor case to the
24 accused or the accused's counsel. The revised law adds
25 "of the court in which an indictment or information is
26 presented" after "the clerk" for the reason stated in
27 the revisor's note to Article 25A.02.