

Office of Court Administration
Texas Judicial Council



Instructions for Writ of Attachment Report

REPORTING REQUIREMENTS

Article 2.212 of the Code of Criminal Procedure requires the district clerk or county clerk to report **writs of attachment related to grand jury investigations, criminal trials or other criminal proceedings**. An attachment must be reported within **30 days of issuance**.

The following must be reported for each attachment:

1. Date the attachment was issued;
2. Whether the attachment was issued in connection with a grand jury investigation, criminal trial, or other criminal proceeding;
3. Name of the person requesting the attachment;
4. Name of the judge issuing the attachment; and
5. The statutory authority under which the attachment was issued:

Art. 24.011 – Child Witness

Art. 24.12 – Resident Witness

Art. 24.14 – Resident Witness Moving Out of County

Art. 24.15 – Grand Jury Witness Moving Out of County

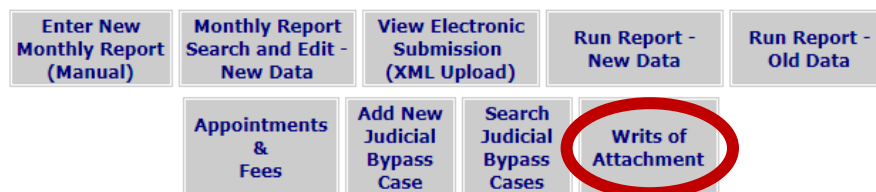
Art. 24.22 – Out of County Witness

Clerks are required to report ONLY when there is an attachment issued.

WHERE TO REPORT

Log in to the Court Activity Reporting database (<http://card.txcourts.gov/Secure/login.aspx>) as if you were submitting your monthly court activity report or monthly appointments and fees report.

Select the **Writs of Attachment** button.



Enter the information for each attachment into the survey. Up to five attachments may be reported at once.

For assistance, contact OCA's Judicial Information section at JudInfo@txcourts.gov or (512) 463-1625.

Writ of Attachment Report

Article 2.212, Code of Criminal Procedure

Definitions for Statutory Authority Under Which Attachment was Issued

Article 24.011 Writ of Attachment – Child Witnesses

The attachment issued for a child witness and the person having custody, care, or control over the child witness. A witness is a child witness if the witness is younger than 18 years of age. A child witness includes a child placed in the custody of the Texas Juvenile Justice Department, a juvenile secure detention facility, or a juvenile secure correctional facility.

Article 24.12 Writ of Attachment – Resident Witnesses

The attachment issued for a witness who resides in the county of the prosecution or criminal proceeding or action. The witness was subpoenaed to appear and testify but failed to do so. A criminal action or proceeding includes but is not limited to a trial, a grand jury proceeding, and a bail or motion hearing.

Article 24.14 Writ of Attachment – Resident Witnesses Moving Out of County

The witness resides in the county of the prosecution or criminal action or proceeding but is about to move out of county, so the prosecution or defense filed an affidavit with the clerk requesting the issuance of an attachment. If statutory requirements are met, the clerk may issue the attachment even if the witness has not disobeyed a subpoena to appear and testify. A criminal action or proceeding includes but is not limited to a trial, a grand jury proceeding, and a bail or motion hearing.

Article 24.15 Writ of Attachment – Grand Jury Witnesses Moving Out of County

The witness is needed to testify before the grand jury, and although the witness resides in the county where the grand jury investigation has commenced or is about to commence, the witness is about to move out of county, so the prosecution filed an application requesting the clerk to issue an attachment for the witness.

Article 24.22 Writ of Attachment – Out of County Witnesses

The attachment issued for a witness who resides out of the county (but within the state) where the prosecution or criminal action or proceeding is pending and who has failed to appear and testify as directed by a subpoena. A criminal action or proceeding includes but is not limited to a trial, a grand jury proceeding, and a bail or motion hearing.

Note: Counties are not required to report writ of attachments issued under Article 24.13, CCP, for witnesses who are confined in jail or prison in this state or witnesses taken into custody pursuant to Article 24.28, CCP, or under the Uniform Act to Secure Attendance of Witnesses from without the State.