

# Tex. Gov't Code § 21.002

## Section 21.002 - Contempt of Court

- (a) Except as provided by Subsection (g), a court may punish for contempt.
- (b) The punishment for contempt of a court other than a justice court or municipal court is a fine of not more than \$500 or confinement in the county jail for not more than six months, or both such a fine and confinement in jail.
- (c) The punishment for contempt of a justice court or municipal court is a fine of not more than \$100 or confinement in the county or city jail for not more than three days, or both such a fine and confinement in jail.
- (d) An officer of a court who is held in contempt by a trial court shall, on proper motion filed in the offended court, be released on his own personal recognizance pending a determination of his guilt or innocence. The presiding judge of the administrative judicial region in which the alleged contempt occurred shall assign a judge who is subject to assignment by the presiding judge other than the judge of the offended court to determine the guilt or innocence of the officer of the court.
- (e) Except as provided by Subsection (h), this section does not affect a court's power to confine a contemner to compel the contemner to obey a court order.
- (f) Article 42.033, Code of Criminal Procedure, and Chapter 157, Family Code, apply when a person is punished by confinement for contempt of court for disobedience of a court order to make periodic payments for the support of a child. Subsection (h) does not apply to that person.
- (g) A court may not punish by contempt an employee or an agency or institution of this state for failure to initiate any program or to perform a statutory duty related to that program:
- (1) if the legislature has not specifically and adequately funded the program; or
  - (2) until a reasonable time has passed to allow implementation of a program specifically and adequately funded by the legislature.
- (h) Notwithstanding any other law, a person may not be confined for contempt of court longer than:
- (1) 18 months, including three or more periods of confinement for contempt arising out of the same matter that equal a cumulative total of 18 months, if the confinement is for criminal contempt; or
  - (2) the lesser of 18 months or the period from the date of confinement to the date the person complies with the court order that was the basis of the finding of contempt, if the confinement is for civil contempt.

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Amended By Acts 2003, 78th Leg., ch. 425, Sec. 1, eff. 6/20/2003.

Amended By Acts 2001, 77th Leg., ch. 1297, Sec. 71(4), eff. 9/1/2001

Amended By Acts 1997, 75th Leg., ch. 165, Sec. 7.24, eff. 9/1/1997

Amended By Acts 1995, 74th Leg., ch. 262, Sec. 87, eff. 1/1/1996

Amended By Acts 1989, 71st Leg., 1st C.S., ch. 25, Sec. 34, eff. 11/1/1989

Amended by Acts 1989, 71st Leg., ch. 2, Sec. 8.44(1), eff. 8/28/1989

Amended By Acts 1989, 71st Leg., ch. 646, Sec. 1, eff. 8/28/1989

Amended By Acts 1989, 71st Leg., ch. 560, Sec. 1, eff. 6/14/1989

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. 9/1/1985.

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