

By: Minjarez

H.B. No. 1388

A BILL TO BE ENTITLED

AN ACT

relating to the appearance of certain misdemeanor and state jail
felony offenders before a magistrate.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Articles 14.06(c) and (d), Code of Criminal
Procedure, are amended to read as follows:

(c) If the person resides in the county where the offense
occurred, a peace officer who is charging a person with committing
an offense that is a Class A or B misdemeanor or state jail felony
may, instead of taking the person before a magistrate, issue a
citation to the person that contains written notice of the time and
place the person must appear before a magistrate of this state as
described by Subsection (a), the name and address of the person
charged, and the offense charged.

(d) Subsection (c) applies only to a person charged with
committing an offense under:

(1) Section 481.115 [~~481.121~~], Health and Safety Code,
if the offense is punishable under Subsection (b) [~~(b)(1) or (2)~~] of
that section;

(2) Section 481.1151, Health and Safety Code, if the
offense is punishable under Subsection (b)(1) of that section;

(3) Section 481.116, Health and Safety Code, if the
offense is punishable under Subsection (b) of that section;

(4) [~~(1-a)~~] Section 481.1161, Health and Safety Code,

1 if the offense is punishable under Subsection (b)(1), ~~or~~ (2), or
2 (3) of that section;

3 (5) Section 481.117, Health and Safety Code, if the
4 offense is punishable under Subsection (b) of that section;

5 (6) Section 481.118, Health and Safety Code, if the
6 offense is punishable under Subsection (b) of that section;

7 (7) Section 481.119, Health and Safety Code, if the
8 offense is punishable under Subsection (a) of that section as a
9 Class A misdemeanor or state jail felony;

10 (8) Section 481.121, Health and Safety Code, if the
11 offense is punishable under Subsection (b)(1), (2), or (3) of that
12 section;

13 (9) ~~(2)~~ Section 28.03, Penal Code, if the offense is
14 punishable under Subsection (b)(2), (3), or (4) of that section;

15 (10) ~~(3)~~ Section 28.08, Penal Code, if the offense
16 is punishable under Subsection (b)(2), ~~or~~ (3), or (4) of that
17 section;

18 (11) Section 30.05, Penal Code, if the offense is
19 punishable under Subsection (d)(1) or (3) of that section;

20 (12) ~~(4)~~ Section 31.03, Penal Code, if the offense
21 is punishable under Subsection (e)(2)(A), (e)(3), or (e)(4)(A) of
22 that section;

23 (13) ~~(5)~~ Section 31.04, Penal Code, if the offense
24 is punishable under Subsection (e)(2), (3), or (4) of that section;

25 (14) ~~(6)~~ Section 38.114, Penal Code, if the offense
26 is punishable as a Class B misdemeanor;

27 (15) Section 43.02, Penal Code, if the offense is

1 punishable under Subsection (c) of that section or punishable as a
2 Class A misdemeanor or state jail felony under Subsection (c-1) of
3 that section; or

4 (16) [~~(7)~~] Section 521.457, Transportation Code.

5 SECTION 2. Article 15.17(g), Code of Criminal Procedure, is
6 amended to read as follows:

7 (g) If a person charged with an offense [~~punishable as a~~
8 ~~misdemeanor~~] appears before a magistrate in compliance with a
9 citation issued under Article 14.06(b) or (c), the magistrate shall
10 perform the duties imposed by this article in the same manner as if
11 the person had been arrested and brought before the magistrate by a
12 peace officer. After the magistrate performs the duties imposed by
13 this article, the magistrate except for good cause shown may
14 release the person on personal bond. If a person who was issued a
15 citation under Article 14.06(c) fails to appear as required by that
16 citation, the magistrate before which the person is required to
17 appear shall issue a warrant for the arrest of the accused.

18 SECTION 3. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 governed by the law in effect on the date the offense was committed,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, an offense was committed before the
24 effective date of this Act if any element of the offense occurred
25 before that date.

26 SECTION 4. This Act takes effect September 1, 2021.