

By: Bowers, Morales of Harris, et al.

H.B. No. 2492

A BILL TO BE ENTITLED

AN ACT

relating to the period for which a person arrested for certain crimes involving family violence may be held after bond is posted.

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

SECTION 1. Article 17.291(b), Code of Criminal Procedure, is amended to read as follows:

(b) Article 17.29 does not apply when a person has been arrested or held without a warrant in the prevention of family violence if there is probable cause to believe the violence will continue if the person is immediately released. The head of the agency arresting or holding such a person shall ~~[may]~~ hold the person for a period of ~~[not more than]~~ four hours after bond has been posted. This detention period may be extended for an additional period not to exceed 48 hours, but only if authorized in a writing directed to the person having custody of the detained person by a magistrate who concludes that:

(1) the violence would continue if the person is released; and

(2) if the additional period exceeds 24 hours, probable cause exists to believe that the person committed the instant offense and that, during the 10-year period preceding the date of the instant offense, the person has been arrested:

(A) on more than one occasion for an offense involving family violence; or

1 (B) for any other offense, if a deadly weapon, as
2 defined by Section 1.07, Penal Code, was used or exhibited during
3 commission of the offense or during immediate flight after
4 commission of the offense.

5 SECTION 2. Article 17.291(b), Code of Criminal Procedure,
6 as amended by this Act, applies only to a person who is arrested on
7 or after the effective date of this Act. A person arrested before
8 the effective date of this Act is governed by the law in effect on
9 the date the person was arrested, and the former law is continued in
10 effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2025.