

Amend Floor Amendment No. 1 to CSSB 22 by adding the following Sections _____, _____ and _____ and renumbering subsequent Sections accordingly:

SECTION _____. Article 14.06(a), Code of Criminal Procedure, is amended as follows:

(a) Except as provided by Subsection (b), in each case enumerated in this Code, the person making the arrest or the person having custody of the person arrested shall take the person arrested or have him taken without unnecessary delay, but not later than 48 hours after the person is arrested, before the magistrate who may have ordered the arrest, before some magistrate of the county where the arrest was made without an order, before a magistrate of another county that has entered into a written contract to perform magistrate duties for the county where the arrest was made, or, if necessary to provide more expeditiously to the person arrested the warnings described by Article 15.17 of this Code, before a magistrate in a county bordering the county where the arrest was made. The magistrate shall immediately perform the duties described in Article 15.17 of this Code.

SECTION _____. Article 15.17(a), Code of Criminal Procedure, is amended as follows:

In each case enumerated in this Code, the person making the arrest or the person having custody of the person arrested shall without unnecessary delay, but not later than 48 hours after the person is arrested, take the person arrested or have him taken before ~~[some]~~ a magistrate ~~[of the county where the accused was arrested or, if necessary to provide more expeditiously to the person arrested the warnings described by this article, before a magistrate in a county bordering the county in which the arrest was made]~~ listed in Article 14.06(a). The arrested person may be taken before the magistrate in person or the image of the arrested person may be broadcast ~~[by closed circuit television]~~ to the magistrate. The magistrate shall inform in clear language the person arrested, either in person or by ~~[closed circuit television]~~ an electronic system of communication designed to prevent interception by third parties, of the accusation against him and of any affidavit filed therewith, of his right to retain counsel, of his right to remain silent, of his right

to have an attorney present during any interview with peace officers or attorneys representing the state, of his right to terminate the interview at any time, and of his right to have an examining trial. The magistrate shall also inform the person arrested of the person's right to request the appointment of counsel if the person cannot afford counsel. The magistrate shall inform the person arrested of the procedures for requesting appointment of counsel. If the person does not speak and understand the English language or is deaf, the magistrate shall inform the person in a manner consistent with Articles 38.30 and 38.31, as appropriate. The magistrate shall ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person at the same time. If the person arrested is indigent and requests appointment of counsel and if the magistrate is authorized under Article 26.04 to appoint counsel for indigent defendants in the county, the magistrate shall appoint counsel in accordance with Article 1.051. If the magistrate is not authorized to appoint counsel, the magistrate shall without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, transmit, or cause to be transmitted to the court or to the courts' designee authorized under Article 26.04 to appoint counsel in the county, the forms requesting the appointment of counsel. The magistrate shall also inform the person arrested that he is not required to make a statement and that any statement made by him may be used against him. The magistrate shall allow the person arrested reasonable time and opportunity to consult counsel and shall, after determining whether the person is currently on bail for a separate criminal offense, admit the person arrested to bail if allowed by law. ~~[A closed circuit television]~~ An electronic communication system may not be used under this subsection unless the system provides for a two-way communication of image and sound between the arrested person and any attorney who is present to represent the arrested person at the time of magistration and the magistrate. A recording of the communication between the arrested person and the magistrate shall be made. The recording shall be preserved until the earlier of the following dates: (1) the date on which the

pretrial hearing ends; or (2) the 91st day after the date on which the recording is made if the person is charged with a misdemeanor or the 120th day after the date on which the recording is made if the person is charged with a felony. The counsel for the defendant may obtain a copy of the recording on payment of a reasonable amount to cover costs of reproduction.

SECTION _____. Article 15.18, Code of Criminal Procedure, is amended by amending subsection (a) and adding subsection (c) to read as follows:

(a) A person arrested under a warrant issued in a county other than the one in which the person is arrested shall be taken before a magistrate [~~of the county where the arrest takes place~~] listed in Article 14.06(a) who shall:

(1) take bail, if allowed by law, and immediately transmit the bond taken to the court having jurisdiction of the offense; or

(2) in the case of a person arrested under warrant for an offense punishable by fine only, accept a written plea of guilty or nolo contendere, set a fine, determine costs, accept payment of the fine and costs, give credit for time served, determine indigency, or, on satisfaction of the judgment, discharge the defendant, as the case may indicate.

(c) Under this Article, an arrested person may be taken before a magistrate using an electronic communication system as provided by Article 15.17. A recording of the communication between the arrested person and the magistrate shall be made. The recording shall be preserved until the earlier of the following dates: (1) the date on which the pretrial hearing ends; or (2) the 91st day after the date on which the recording is made if the person is charged with a misdemeanor or the 120th day after the date on which the recording is made if the person is charged with a felony. The counsel for the defendant may obtain a copy of the recording on payment of a reasonable amount to cover costs of reproduction.