

BILL ANALYSIS

H.B. 2795
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a person can only be held in custody for 24 hours when arrested without a warrant before being charged with an offense or released. Typically, that 24 hour period begins when the person is initially taken before a magistrate who completes the performance of their statutory duties. However, when a person with a mental or physical condition that requires medical evaluation and/or treatment is arrested without a warrant and taken to a county or city jail prior to appearing before a magistrate or judge, they frequently will not be accepted into custody at the jail until they have been taken to a hospital or clinic for that evaluation and/or treatment. In such cases, a police officer or sheriff's deputy must take them to receive this treatment and remain with them until they are released to be taken back to the jail to finally appear before the magistrate. This process can use up part or all of the 24 hour period before they are ever actually brought before a magistrate, placed in custody or interrogated. Urban areas in particular frequently experience this problem.

House Bill 2795 clarifies that, in cases where a person arrested without a warrant who requires medical evaluation or care prior to being brought before a magistrate, the time required for that medical evaluation or care does not count against the 24 hour period but actually begins at the time the magistrate, in front of whom they would appear, completes the performance of their statutory duties.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2795 amends the Code of Criminal Procedure to provide that the imposed time limits for those arrested without a warrant do not begin until after they appear before a magistrate and the magistrate completes the performance of their statutory duties if the arrested individual requires medical attention prior to appearing before the magistrate.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.