

By: Swinford

H.B. No. 1986

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain matters affecting the handling of a criminal
3 defendant after arrest and before trial.

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

5 SECTION 1. Article 1.051(j), Code of Criminal Procedure, is
6 amended to read as follows:

7 (j) Notwithstanding any other provision of this section, if
8 an indigent defendant is released from custody prior to the
9 appointment of counsel under this section, appointment of counsel
10 is not required until [~~the defendant's first court appearance or~~
11 ~~when~~] adversarial judicial proceedings are initiated[, ~~whichever~~
12 ~~comes first~~].

13 SECTION 2. Article 14.06(a), Code of Criminal Procedure, is
14 amended to read as follows:

15 (a) Except as provided by Subsection (b) or by Section 17.19
16 or 23.05, in each case enumerated in this Code, the person making
17 the arrest or the person having custody of the person arrested shall
18 take the person arrested or have him taken without unnecessary
19 delay, but not later than 48 hours after the person is arrested,
20 before the magistrate who may have ordered the arrest, before some
21 magistrate of the county where the arrest was made without an order,
22 or, if necessary to provide more expeditiously to the person
23 arrested the warnings described by Article 15.17 of this Code,
24 before a magistrate in a county bordering the county in which the

1 arrest was made. The magistrate shall immediately perform the
2 duties described in Article 15.17 of this Code.

3 SECTION 3. Article 17.033(a), Code of Criminal Procedure,
4 is amended to read as follows:

5 (a) Except as provided by Subsection (c), a person who is
6 arrested without a warrant and who is detained in jail must be
7 released on bond, in an amount not to exceed \$5,000, not later than
8 the 48th [~~24th~~] hour after the person's arrest if the person was
9 arrested for a misdemeanor and a magistrate has not determined
10 whether probable cause exists to believe that the person committed
11 the offense. If the person is unable to obtain a surety for the bond
12 or unable to deposit money in the amount of the bond, the person
13 must be released on personal bond.

14 SECTION 4. Article 17.19(e), Code of Criminal Procedure, is
15 amended to read as follows:

16 (e) An arrest warrant issued under this article may be
17 executed by a peace officer, a security officer, or a private
18 investigator licensed in this state. The person executing the
19 warrant is not required to take the person arrested before the
20 magistrate for the warnings described by Article 15.17 if the
21 person was previously arrested on the same charge and was given the
22 required warnings following that arrest.

23 SECTION 5. Article 23.05(b), Code of Criminal Procedure, is
24 amended to read as follows:

25 (b) A capias issued under this article may be executed by a
26 peace officer or by a private investigator licensed under Chapter
27 1702, Occupations Code. The person executing the capias is not

1 required to take the person arrested before the magistrate for the
2 warnings described by Article 15.17 if the person was previously
3 arrested on the same charge and was given the required warnings
4 following that arrest.

5 SECTION 6. Article 26.05, Code of Criminal Procedure, is
6 amended by adding Subsection (i) to read as follows:

7 (i) If a defendant is arrested in a county other than the
8 county where the offense occurred, the county of arrest is entitled
9 to reimbursement from the county having jurisdiction over the final
10 disposition of the case for any reasonable expenses incurred under
11 this article before the defendant is transferred from the arresting
12 county to the county of final disposition.

13 SECTION 7. This Act takes effect September 1, 2003.