

By: Hinojosa

S.B. No. 685

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a peace officer to make a warrantless arrest for the commission of family violence.

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

SECTION 1. Articles 14.03(a), (c), and (f), Code of Criminal Procedure, are amended to read as follows:

(a) Any peace officer may arrest, without warrant:

(1) persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony, violation of Title 9, Chapter 42, Penal Code, breach of the peace, or offense under Section 49.02, Penal Code, or threaten, or are about to commit some offense against the laws;

(2) persons who the peace officer has probable cause to believe have committed an assault resulting in bodily injury to another person and the peace officer has probable cause to believe that there is danger of further bodily injury to that person;

(3) persons who the peace officer has probable cause to believe have committed the offense defined by Section 25.07, Penal Code (violation of Protective Order), if the offense is not committed in the presence of the peace officer; or

(4) persons who the peace officer has probable cause to believe have committed family violence [~~an assault resulting in bodily injury to a member of the person's family or household~~].

(c) If reasonably necessary to verify an allegation of a

1 violation of a protective order or of the commission of family  
2 violence [~~an assault against a member of the family or household~~], a  
3 peace officer shall remain at the scene of the investigation to  
4 verify the allegation and to prevent the further commission of  
5 family violence.

6 (f) In this article, "family violence" has [~~"family,"~~  
7 ~~"household," and "member of a household" have~~] the meaning  
8 [~~meanings~~] assigned [~~to those terms~~] by Section 71.004 [~~71.01~~],  
9 Family Code.

10 SECTION 2. (a) This Act takes effect September 1, 2003.

11 (b) The change in law made by this Act applies only to an  
12 offense committed on or after September 1, 2003. An offense  
13 committed before September 1, 2003, is covered by the law in effect  
14 when the offense was committed, and the former law is continued in  
15 effect for that purpose. For purposes of this subsection, an  
16 offense was committed before September 1, 2003, if any element of  
17 the offense was committed before that date.