

1-1 By: Hinojosa S.B. No. 685
1-2 (In the Senate - Filed February 25, 2003; March 3, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 2, 2003, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 2, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of a peace officer to make a warrantless
1-9 arrest for the commission of family violence.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (a), (c), and (f), Article 14.03,
1-12 Code of Criminal Procedure, are amended to read as follows:

1-13 (a) Any peace officer may arrest, without warrant:

1-14 (1) persons found in suspicious places and under
1-15 circumstances which reasonably show that such persons have been
1-16 guilty of some felony, violation of Title 9, Chapter 42, Penal Code,
1-17 breach of the peace, or offense under Section 49.02, Penal Code, or
1-18 threaten, or are about to commit some offense against the laws;

1-19 (2) persons who the peace officer has probable cause
1-20 to believe have committed an assault resulting in bodily injury to
1-21 another person and the peace officer has probable cause to believe
1-22 that there is danger of further bodily injury to that person;

1-23 (3) persons who the peace officer has probable cause
1-24 to believe have committed the offense defined by Section 25.07,
1-25 Penal Code (violation of Protective Order), if the offense is not
1-26 committed in the presence of the peace officer; or

1-27 (4) persons who the peace officer has probable cause
1-28 to believe have committed family violence [~~an assault resulting in~~
1-29 ~~bodily injury to a member of the person's family or household~~].

1-30 (c) If reasonably necessary to verify an allegation of a
1-31 violation of a protective order or of the commission of family
1-32 violence [~~an assault against a member of the family or household~~], a
1-33 peace officer shall remain at the scene of the investigation to
1-34 verify the allegation and to prevent the further commission of
1-35 family violence.

1-36 (f) In this article, "family violence" has [~~"family,"~~
1-37 ~~"household," and "member of a household" have~~] the meaning
1-38 [~~meanings~~] assigned [~~to those terms~~] by Section 71.004 [~~71.01~~],
1-39 Family Code.

1-40 SECTION 2. (a) This Act takes effect September 1, 2003.

1-41 (b) The change in law made by this Act applies only to an
1-42 offense committed on or after September 1, 2003. An offense
1-43 committed before September 1, 2003, is covered by the law in effect
1-44 when the offense was committed, and the former law is continued in
1-45 effect for that purpose. For purposes of this subsection, an
1-46 offense was committed before September 1, 2003, if any element of
1-47 the offense was committed before that date.

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