

By: Hinojosa

S.B. No. 1597

A BILL TO BE ENTITLED

AN ACT

relating to policies by law enforcement agencies regarding the arrest of persons for certain offenses.

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

SECTION 1. Chapter 14, Code of Criminal Procedure, is amended by adding Article 14.07 to read as follows:

Art. 14.07. LAW ENFORCEMENT AGENCY POLICIES ON ARRESTS WITHOUT WARRANT. (a) Each law enforcement agency in this state shall adopt a detailed written policy relating to the arrest of persons without a warrant for misdemeanor offenses, including traffic offenses, that are punishable by fine only.

(b) The policy adopted by the law enforcement agency must:

(1) clearly describe the circumstances in which a peace officer of the law enforcement agency is authorized by the law enforcement agency to make a warrantless custodial arrest of a person for a misdemeanor offense that is punishable by fine only; and

(2) provide for a review of each warrantless custodial arrest of a person for a misdemeanor offense that is punishable by fine only by the immediate supervisor, if any, of the officer making the arrest.

(c) An arrest made in violation of a policy adopted under Subsection (a) does not create an exception, defense, or affirmative defense under Chapter 2, Penal Code, to the offense for

1 which the person was arrested.

2           SECTION 2. A law enforcement agency required by Article  
3 14.07, Code of Criminal Procedure, as added by this Act, to adopt an  
4 arrest policy, shall adopt the policy not later than January 1,  
5 2004.

6           SECTION 3. This Act takes effect September 1, 2003.