

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) Article 38.23 does not apply to evidence arising out of an arrest made in violation of a policy adopted under Subsection (a) or where an arrest is made in the absence of a policy required to be

1 adopted by this article.

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, 2004.

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

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1597 passed the Senate on May 6, 2003, by the following vote: Yeas 31, Nays 0; May 30, 2003, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2003, House granted request of the Senate; May 31, 2003, Senate adopted Conference Committee Report by a viva-voce vote.

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Secretary of the Senate

I hereby certify that S.B. No. 1597 passed the House, with amendments, on May 28, 2003, by a non-record vote; May 30, 2003, House granted request of the Senate for appointment of Conference Committee; May 31, 2003, House adopted Conference Committee Report by a non-record vote.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

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Governor