

1-1 By: Hinojosa S.B. No. 1597  
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 29, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 29, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1597 By: Hinojosa

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to policies by law enforcement agencies regarding the  
1-11 arrest of persons for certain offenses.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 14, Code of Criminal Procedure, is  
1-14 amended by adding Article 14.07 to read as follows:

1-15 Art. 14.07. LAW ENFORCEMENT AGENCY POLICIES ON ARRESTS  
1-16 WITHOUT WARRANT. (a) Each law enforcement agency in this state  
1-17 shall adopt a detailed written policy relating to the arrest of  
1-18 persons without a warrant for misdemeanor offenses, including  
1-19 traffic offenses, that are punishable by fine only.

1-20 (b) The policy adopted by the law enforcement agency must:

1-21 (1) clearly describe the circumstances in which a  
1-22 peace officer of the law enforcement agency is authorized by the law  
1-23 enforcement agency to make a warrantless custodial arrest of a  
1-24 person for a misdemeanor offense that is punishable by fine only;  
1-25 and

1-26 (2) provide for a review of each warrantless custodial  
1-27 arrest of a person for a misdemeanor offense that is punishable by  
1-28 fine only by the immediate supervisor, if any, of the officer making  
1-29 the arrest.

1-30 (c) An arrest made in violation of a policy adopted under  
1-31 Subsection (a) does not create an exception, defense, or  
1-32 affirmative defense under Chapter 2, Penal Code, to the offense for  
1-33 which the person was arrested.

1-34 SECTION 2. A law enforcement agency required by Article  
1-35 14.07, Code of Criminal Procedure, as added by this Act, to adopt an  
1-36 arrest policy, shall adopt the policy not later than January 1,  
1-37 2004.

1-38 SECTION 3. This Act takes effect September 1, 2003.

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