

By: Riddle

H.B. No. 875

A BILL TO BE ENTITLED

AN ACT

1
2 relating to written notification to a parent of a minor who is
3 issued a citation for a traffic offense.

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

5 SECTION 1. Section 543.005, Transportation Code, is amended
6 to read as follows:

7 Sec. 543.005. PROMISE TO APPEAR; RELEASE. Except as
8 provided by Section 543.0051, to [~~Te~~] secure release, the person
9 arrested must make a written promise to appear in court by signing
10 the written notice prepared by the arresting officer. The
11 signature may be obtained on a duplicate form or on an electronic
12 device capable of creating a copy of the signed notice. The
13 arresting officer shall retain the paper or electronic original of
14 the notice and deliver the copy of the notice to the person
15 arrested. The officer shall then promptly release the person from
16 custody.

17 SECTION 2. Subchapter A, Chapter 543, Transportation Code,
18 is amended by adding Section 543.0051 to read as follows:

19 Sec. 543.0051. CERTAIN PERSONS YOUNGER THAN 18; PROMISE TO
20 APPEAR; RELEASE. (a) In addition to the requirements of Section
21 543.005, to secure release, a minor resident of this state who is
22 arrested must provide the arresting officer with the name and
23 mailing address of at least one of the minor's parents.

24 (b) If the mailing address of the minor's parent is in this

1 state, the law enforcement agency that employs the arresting
2 officer shall mail to that parent a copy of the notice delivered to
3 and signed by the minor. The copy must be mailed not later than the
4 seventh day after the date the minor was arrested.

5 (c) In this section:

6 (1) "Minor" means an individual younger than 18 years
7 of age for whom the disabilities of minority have not been removed.

8 (2) "Parent" includes a person standing in parental
9 relation, a managing conservator, or a custodian.

10 SECTION 3. Article 14.06, Code of Criminal Procedure, is
11 amended by amending Subsection (a) and adding Subsection (c) to
12 read as follows:

13 (a) Except as provided by Subsections [~~Subsection~~] (b) and
14 (c), in each case enumerated in this Code, the person making the
15 arrest or the person having custody of the person arrested shall
16 take the person arrested or have him taken without unnecessary
17 delay, but not later than 48 hours after the person is arrested,
18 before the magistrate who may have ordered the arrest, before some
19 magistrate of the county where the arrest was made without an order,
20 or, if necessary to provide more expeditiously to the person
21 arrested the warnings described by Article 15.17 of this Code,
22 before a magistrate in a county bordering the county in which the
23 arrest was made. The magistrate shall immediately perform the
24 duties described in Article 15.17 of this Code.

25 (c) If the peace officer issuing a citation under Subsection
26 (b) is charging a minor resident of this state with committing a
27 Class C misdemeanor traffic offense to which Subchapter A, Chapter

1 543, Transportation Code, does not apply, the minor must provide
2 the peace officer the name and mailing address of at least one of
3 the minor's parents. The citation must include the name and address
4 of that parent. If the parent's mailing address is in this state,
5 not later than the seventh day after the date the citation was
6 issued, the law enforcement agency that employs the peace officer
7 shall mail to that parent a copy of the citation. In this
8 subsection:

9 (1) "Minor" means an individual younger than 18 years
10 of age for whom the disabilities of minority have not been removed.

11 (2) "Parent" includes a person standing in parental
12 relation, a managing conservator, or a custodian.

13 SECTION 4. (a) The change in law made by this Act applies
14 only to an offense committed on or after September 1, 2005.

15 (b) An offense committed before September 1, 2005, is
16 covered by the law in effect when the offense was committed, and the
17 former law is continued in effect for that purpose. For purposes of
18 this section, an offense was committed before September 1, 2005, if
19 any element of the offense was committed before that date.

20 SECTION 5. This Act takes effect September 1, 2005.