

By: Gattis, Hopson

H.B. No. 1662

Substitute the following for H.B. No. 1662:

By: Keel

C.S.H.B. No. 1662

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eligibility of a criminal defendant for release
3 from jail after a delay in prosecution.

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

5 SECTION 1. Section 2, Article 17.151, Code of Criminal
6 Procedure, is amended to read as follows:

7 Sec. 2. The provisions of this article do not apply to a
8 defendant who is:

9 (1) serving a sentence of imprisonment for another
10 offense while the defendant [~~he~~] is serving that sentence;

11 (2) being detained pending trial of another accusation
12 against the defendant [~~him~~] as to which the applicable period has
13 not yet elapsed; [~~or~~]

14 (3) incompetent to stand trial, during the period of
15 the defendant's [~~his~~] incompetence; or

16 (4) being detained for a violation of the conditions
17 of a previous release under this article if those conditions
18 related to the safety of a victim of the alleged offense or to the
19 safety of the community.

20 SECTION 2. Section 3, Article 17.151, Code of Criminal
21 Procedure, is repealed.

22 SECTION 3. This Act applies only to a person who is arrested
23 on or after the effective date of this Act, regardless of when the
24 offense giving rise to the arrest was committed. A person who is

1 arrested before the effective date of this Act is governed by the
2 law in effect at the time of the arrest, and the former law is
3 continued in effect for that purpose.

4 SECTION 4. This Act takes effect September 1, 2005.