

By: Gattis

H.B. No. 1662

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

(4) being detained for a violation of the conditions of a previous release under this article.

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 Section 3, Article 17.151, Code of Criminal Procedure, is repealed.

SECTION 3. This Act applies only to a person who is arrested on or after the effective date of this Act, regardless of when the offense giving rise to the arrest was committed. A person who is arrested before the effective date of this Act is governed by the law in effect at the time of the arrest, and the former law is

1 continued in effect for that purpose.

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