

By: Cook of Colorado

H.B. No. 2292

A BILL TO BE ENTITLED

AN ACT

relating to the appearance of certain misdemeanor offenders before a magistrate.

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

SECTION 1. Article 14.06, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

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

(c) If the person resides in the county where the offense occurred, a peace officer who is charging a person, including a child, with committing an offense that is a Class A or B misdemeanor may, instead of taking the person before a magistrate, issue a citation to the person that contains written notice of the time and

1 place the person must appear before a magistrate, the name and
2 address of the person charged, and the offense charged. This
3 subsection does not apply to a person charged with an offense
4 committed under Chapter 22, 25, 36-39, or 43 or Section 42.11,
5 46.13, 48.02, 49.04, 49.05, 49.06, or 49.065, Penal Code.

6 SECTION 2. Article 15.17, Code of Criminal Procedure, is
7 amended by adding Subsection (g) to read as follows:

8 (g) If a person charged with an offense punishable as a
9 misdemeanor appears before a magistrate in compliance with a
10 citation issued under Article 14.06(b) or (c), the magistrate shall
11 perform the duties imposed by this article in the same manner as if
12 the person had been arrested and brought before the magistrate by a
13 peace officer.

14 SECTION 3. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 covered by the law in effect when the offense was committed, and the
18 former law is continued in effect for that purpose. For purposes of
19 this section, an offense is committed before the effective date of
20 this Act if any element of the offense occurs before the effective
21 date.

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