

1-1 By: Giddings (Senate Sponsor - Carona) H.B. No. 2885
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Criminal Justice; May 13, 2005, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to an arrest warrant or complaint for the issuance of a bad
1-9 check.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 45.014, Code of Criminal Procedure, is
1-12 amended by adding Subsection (d) to read as follows:

1-13 (d) In a county with a population of more than two million
1-14 that does not have a county attorney, a justice or judge may not
1-15 issue a warrant under this section for an offense under Section
1-16 32.41, Penal Code, unless the district attorney has approved the
1-17 complaint or affidavit on which the warrant is based.

1-18 SECTION 2. Article 45.019, Code of Criminal Procedure, is
1-19 amended by adding Subsection (g) to read as follows:

1-20 (g) In a county with a population of more than two million
1-21 that does not have a county attorney, a complaint for an offense
1-22 under Section 32.41, Penal Code, must be approved by the district
1-23 attorney, regardless of whether a collection proceeding is
1-24 initiated by the district attorney under Section 32.41(e), Penal
1-25 Code.

1-26 SECTION 3. The change in law made by this Act applies only
1-27 to a complaint or warrant filed or issued on or after the effective
1-28 date of this Act. A complaint or warrant filed or issued before the
1-29 effective date of this Act is governed by the law in effect when the
1-30 complaint or warrant was filed or issued, and the former law is
1-31 continued in effect for that purpose.

1-32 SECTION 4. This Act takes effect September 1, 2005.

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