

By: Staples

S.B. No. 599

A BILL TO BE ENTITLED

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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 related to the safety of a victim of the alleged offense or to the safety of the community 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 Section 3, Article 17.151, Code of Criminal Procedure, is repealed.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

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.