

BILL ANALYSIS

S.B. 1428
By: Duncan
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current statute does not address cases in which individuals are arrested on both a warrant described by Article 15.18 (Arrest for Out-of-County Offense) and 15.19 (Notice of Arrest), Code of Criminal Procedure, and a warrant under Section 508.251 (Issuance of Warrant or Summons), Government Code. A procedure exists for transferring individuals arrested solely under Section 508.251, Government Code (colloquially called a blue warrant) as well as for those arrested solely under a warrant issued under Article 15 (Arrest Under Warrant), Code of Criminal Procedure. However, if arrested under both kinds of warrants, current statute does not provide transferring requirements.

The Texas Department of Criminal Justice does not revoke the blue warrant or commence its procedure to deal with the arrested individual until the arrested person has been adjudicated on other pending criminal charges. In addition, a sheriff in a county from which the non-blue warrant was issued might be predisposed to not have the arrested individual brought to the appropriate magistrate or court expeditiously because the person is also being held under a blue warrant which requires the arresting officer to hold the arrested person indefinitely. Consequently, the arresting officer must provide bed space, medical care, and other necessities for the arrested individual.

As proposed, S.B. 1428 requires a sheriff who receives notice of the arrest to have the arrested person brought before the proper magistrate or court before the 11th day after the person is committed to the jail of the county in which the arrest was made.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Article 15.19(a), Code of Criminal Procedure, to require the magistrate committing an arrested person who has failed or refused to give bail to immediately provide notice to the sheriff of the county in which the offense is alleged to have been committed regarding certain information, including whether the person was also arrested under a warrant issued under Section 508.251 (Issuance of Warrant or Summons), Government Code. Makes nonsubstantive changes.

SECTION 2. Amends Article 15.20, Code of Criminal Procedure, as follows:

Art. 15.20. DUTY OF SHERIFF RECEIVING NOTICE. (a) Requires the sheriff, subject to Subsection (b), receiving the notice of arrest and commitment under Article 15.19 (Notice of Arrest), to go or send for the arrested person and have the arrested person brought before the proper court or magistrate. Makes nonsubstantive changes.

(b) Requires a sheriff who receives notice under Article 15.19(a)(2) of a warrant issued under Section 508.251 (Issuance of Warrant or Summons), Government Code, to have the arrested person brought before the proper magistrate or court before the 11th day after the date the person is committed to the jail of the county in which the person was arrested.

SECTION 3. Amends Article 15.21, Code of Criminal Procedure, as follows:

Article 15.21. PRISONER DISCHARGED IF NOT TIMELY DEMANDED. If the proper office of the county where the offense is alleged to have been committed does not demand the arrested person and take charge of the arrested person before the 11th day after the date the person is committed to the jail of the county in which the person is arrested, the arrested person shall be discharged from custody.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.