

By: Madden

H.B. No. 2391

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 Subsections (c) and (d) 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, to provide more expeditiously to the person arrested the warnings described by Article 15.17 of this Code, before a magistrate in any other county of this state. 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 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 place the person must appear

1 before a magistrate of this state as described by Subsection (a),
2 the name and address of the person charged, and the offense charged.

3 (d) Subsection (c) applies only to a person charged with
4 committing an offense under:

5 (1) Section 481.121, Health and Safety Code, if the
6 offense is punishable under Subsection (b)(1) or (2) of that
7 section;

8 (2) Section 28.03, Penal Code, if the offense is
9 punishable under Subsection (b)(2) of that section;

10 (3) Section 28.08, Penal Code, if the offense is
11 punishable under Subsection (b)(1) of that section;

12 (4) Section 31.03, Penal Code, if the offense is
13 punishable under Subsection (e)(2)(A) of that section;

14 (5) Section 31.04, Penal Code, if the offense is
15 punishable under Subsection (e)(2) of that section;

16 (6) Section 38.114, Penal Code, if the offense is
17 punishable as a Class B misdemeanor; or

18 (7) Section 521.457, Transportation Code.

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

21 (g) If a person charged with an offense punishable as a
22 misdemeanor appears before a magistrate in compliance with a
23 citation issued under Article 14.06(b) or (c), the magistrate shall
24 perform the duties imposed by this article in the same manner as if
25 the person had been arrested and brought before the magistrate by a
26 peace officer. After the magistrate performs the duties imposed by
27 this article, the magistrate except for good cause shown may

1 release the person on personal bond. If a person who was issued a
2 citation under Article 14.06(c) fails to appear as required by that
3 citation, the magistrate before which the person is required to
4 appear shall issue a warrant for the arrest of the accused.

5 SECTION 3. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 covered by the law in effect when the offense was committed, and the
9 former law is continued in effect for that purpose. For purposes of
10 this section, an offense is committed before the effective date of
11 this Act if any element of the offense occurs before the effective
12 date.

13 SECTION 4. This Act takes effect September 1, 2007.