

By: Brimer

S.B. No. 188

A BILL TO BE ENTITLED

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AN ACT

relating to a promise to appear in court for speeding offenses.

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

SECTION 1. Section 543.002(a), Transportation Code, is amended to read as follows:

(a) A person arrested for a violation of this subtitle punishable as a misdemeanor shall be immediately taken before a magistrate if:

(1) the person is arrested on a charge of failure to stop in the event of an accident causing damage to property; or

(2) the person demands an immediate appearance before a magistrate or refuses to make a ~~written~~ promise to appear in court as provided by this subchapter.

SECTION 2. Section 543.004(a), Transportation Code, is amended to read as follows:

(a) An officer shall issue a written notice to appear if:

(1) the offense charged is speeding or a violation of the open container law, Section 49.031 [~~49.03~~], Penal Code; and

(2) the person makes a ~~written~~ promise to appear in court as provided by Section 543.005.

SECTION 3. Section 543.005, Transportation Code, is amended to read as follows:

Sec. 543.005. PROMISE TO APPEAR; RELEASE. (a) Except as provided by Subsection (b), to [~~To~~] secure release, the person

1 arrested must make a written promise to appear in court by signing
2 the written notice prepared by the arresting officer. The
3 signature may be obtained on a duplicate form or on an electronic
4 device capable of creating a copy of the signed notice. The
5 arresting officer shall retain the paper or electronic original of
6 the notice and deliver the copy of the notice to the person
7 arrested. The officer shall then promptly release the person from
8 custody.

9 (b) A local authority that uses an automated citation system
10 may provide that a person arrested for a speeding offense may secure
11 release by making an oral promise to appear in court to the
12 arresting officer. The officer shall note the person's oral
13 promise on the written notice to appear.

14 SECTION 4. Section 543.009, Transportation Code, is amended
15 to read as follows:

16 Sec. 543.009. COMPLIANCE WITH OR VIOLATION OF PROMISE TO
17 APPEAR. (a) A person may comply with a [~~written~~] promise to appear
18 in court by an appearance by counsel.

19 (b) A person who wilfully violates a [~~written~~] promise to
20 appear in court, given as provided by this subchapter, commits a
21 misdemeanor regardless of the disposition of the charge on which
22 the person was arrested.

23 SECTION 5. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2007.