

By: Duncan

S.B. No. 1428

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the arrest and commitment of certain individuals
3 arrested under a warrant issued because of a violation of the
4 conditions of parole.

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

6 SECTION 1. Article 15.19(a), Code of Criminal Procedure, is
7 amended to read as follows:

8 (a) If the arrested person [~~accused~~] fails or refuses to
9 give bail, as provided in [~~the preceding~~] Article 15.18, the
10 arrested person [~~he~~] shall be committed to the jail of the county
11 where the person [~~he~~] was arrested; and the magistrate committing
12 the arrested person [~~him~~] shall immediately provide notice to
13 [~~notify~~] the sheriff of the county in which the offense is alleged
14 to have been committed regarding:

15 (1) [~~of~~] the arrest and commitment, which notice may
16 be given by telegraph, [~~by~~] mail, or [~~by~~] other written means; and

17 (2) whether the person was also arrested under a
18 warrant issued under Section 508.251, Government Code [~~notice~~].

19 SECTION 2. Article 15.20, Code of Criminal Procedure, is
20 amended to read as follows:

21 Art. 15.20. DUTY OF SHERIFF RECEIVING NOTICE. (a) Subject
22 to Subsection (b), the [~~The~~] sheriff receiving the notice of arrest
23 and commitment under Article 15.19 shall forthwith go or send for
24 the arrested person [~~prisoner~~] and have the arrested person [~~him~~]

1 brought before the proper court or magistrate.

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

7 SECTION 3. Article 15.21, Code of Criminal Procedure, is
8 amended to read as follows:

9 Art. 15.21. PRISONER DISCHARGED IF NOT TIMELY DEMANDED. If
10 the proper office of the county where the offense is alleged to have
11 been committed does not demand the arrested person [~~prisoner~~] and
12 take charge of the arrested person before the 11th day after the
13 date the person [~~him within ten days from the day he~~] is committed
14 to the jail of the county in which the person is arrested, the
15 arrested person [~~such prisoner~~] shall be discharged from custody.

16 SECTION 4. The change in law made by this Act applies only
17 to a person who, on or after the effective date of this Act, is
18 arrested under a warrant, regardless of the date on which the
19 warrant under which the person is arrested was issued.

20 SECTION 5. This Act takes effect September 1, 2007.