

BILL ANALYSIS

S.B. 414
By: Carona
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A defendant arrested pursuant to a *capias pro fine*, which is a writ for collecting a fine, must be brought for a hearing before the court that issued the *capias pro fine*. Ideally, the defendant is to be brought before the court immediately after the arrest. If this is not possible, the defendant is to be placed in jail until the next business day at which time he or she is to be brought before the court.

The law requires that the hearing on the *capias pro fine* must be held before the judge of the court that issued the *capias*. The hearing may not be conducted by a judge acting as a magistrate. Often, getting the defendant to the judge's courtroom for the required hearing presents a logistical challenge because some courtrooms are located many miles away from the jail where the defendant is located. This difficulty discourages some judges from issuing *capias pro fine* writs.

As proposed, S.B. 414 authorizes defendants to be brought before the court in person or by means of an electronic broadcast system.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Article 43.03, Code of Criminal Procedure, by adding Subsection (f), to authorize, for purposes of a hearing described by Subsection (d) (regarding authorization to confine a defendant), a defendant to be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court. Defines "electronic broadcast system" for purposes of this subsection.

SECTION 2. Amends Article 45.046, Code of Criminal Procedure, by adding Subsection (c), to authorize, for purposes of a hearing described by Subsection (a) (regarding confinement of a defendant in jail), a defendant to be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court. Defines "electronic broadcast system" for purposes of this subsection.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.