

BILL ANALYSIS

S.B. 415
By: Carona
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Article 15.17 (Duties of Arresting Officer and Magistrates), Code of Criminal Procedure, sets forth the duties that a magistrate is to perform when an individual is arrested. The process of performing these duties is informally known as magistration. Article 15.17(b) specifically instructs the magistrate to release an accused person without bond and then order him or her to appear at a later date for arraignment "in the county court or statutory county court." This language is problematic because Subsection (b) applies only to persons charged with misdemeanors punishable by fine only, which are heard in justice and municipal courts as opposed to county-level courts.

As proposed, S.B. 415 authorizes a magistrate to release the accused person without bond and order the accused to appear at a later date for arraignment in the applicable justice court or municipal court, rather than in the county court or statutory county court.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Article 15.17(b), Code of Criminal Procedure, to provide that after an accused charged with a misdemeanor punishable by fine only is taken before and identified with certainty by a magistrate under Subsection (a), rather than under Subsection (a) of this article, the magistrate is authorized to release the accused without bond and order the accused to appear at a later date for arraignment in the applicable justice court or municipal court, rather than the county court or statutory county court.

SECTION 2. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.