

By: Miklos

H.B. No. 1060

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures for forwarding a warrant of arrest or a complaint in a criminal case.

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

SECTION 1. Articles 15.08 and 15.09, Code of Criminal Procedure, are amended to read as follows:

Art. 15.08. WARRANT MAY BE FORWARDED [~~TELEGRAPHED~~]. A warrant of arrest may be forwarded by any method that ensures the transmission of a duplicate of the original warrant, including secure facsimile transmission or other secure electronic means or a telegraph transmission from any telegraph office to another in this State. If issued by any magistrate named in Article 15.06, the peace officer receiving the same shall execute it without delay. If it be issued by any other magistrate than is named in Article 15.06, the peace officer receiving the same shall proceed with it to the nearest magistrate of the peace officer's [~~his~~] county, who shall endorse thereon, in substance, these words:

"Let this warrant be executed in the county of .....", which endorsement shall be dated and signed officially by the magistrate making the same.

Art. 15.09. COMPLAINT MAY BE FORWARDED [~~BY TELEGRAPH~~]. A complaint in accordance with Article 15.05, may be forwarded [~~telegraphed,~~] as provided by Article 15.08 [~~in the preceding Article,~~] to any magistrate in the State; and the magistrate who

1 receives the same shall forthwith issue a warrant for the arrest of  
2 the accused; and the accused, when arrested, shall be dealt with as  
3 provided in this Chapter in similar cases.

4 SECTION 2. Article 15.19(a), Code of Criminal Procedure, is  
5 amended to read as follows:

6 (a) If the arrested person fails or refuses to give bail, as  
7 provided in Article 15.18, the arrested person shall be committed  
8 to the jail of the county where the person was arrested; and the  
9 magistrate committing the arrested person shall immediately  
10 provide notice to the sheriff of the county in which the offense is  
11 alleged to have been committed regarding:

12 (1) the arrest and commitment, which notice may be  
13 given by telegraph, mail, or other written means or by secure  
14 facsimile transmission or other secure electronic means; and

15 (2) whether the person was also arrested under a  
16 warrant issued under Section 508.251, Government Code.

17 SECTION 3. This Act takes effect September 1, 2009.