

1-1 By: Carona S.B. No. 415
1-2 (In the Senate - Filed January 6, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 28, 2009, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 28, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the court in which certain persons charged with
1-9 misdemeanors punishable by fine only may be arraigned.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (b), Article 15.17, Code of Criminal
1-12 Procedure, is amended to read as follows:

1-13 (b) After an accused charged with a misdemeanor punishable
1-14 by fine only is taken before a magistrate under Subsection (a) [~~of~~
1-15 ~~this article~~] and the magistrate has identified the accused with
1-16 certainty, the magistrate may release the accused without bond and
1-17 order the accused to appear at a later date for arraignment in the
1-18 applicable justice [county] court or municipal [statutory county]
1-19 court. The order must state in writing the time, date, and place of
1-20 the arraignment, and the magistrate must sign the order. The
1-21 accused shall receive a copy of the order on release. If an accused
1-22 fails to appear as required by the order, the judge of the court in
1-23 which the accused is required to appear shall issue a warrant for
1-24 the arrest of the accused. If the accused is arrested and brought
1-25 before the judge, the judge may admit the accused to bail, and in
1-26 admitting the accused to bail, the judge should set as the amount of
1-27 bail an amount double that generally set for the offense for which
1-28 the accused was arrested. This subsection does not apply to an
1-29 accused who has previously been convicted of a felony or a
1-30 misdemeanor other than a misdemeanor punishable by fine only.

1-31 SECTION 2. This Act takes effect September 1, 2009.

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