

BILL ANALYSIS

C.S.H.B. 778
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

On occasion, it is necessary to serve or execute various types of process, writs, subpoenas, and attachments on individuals confined to a detention facility. Traditionally, peace officers are the law enforcement officers authorized to serve or execute these various instruments, and the nondeputized detention officers who staff detention facilities, such as jailers, guards, or detention officers, are not authorized to serve such legal documents. Requiring a peace officer to come to perform the ministerial duty of serving an inmate is inefficient and removes peace officers from the field where their services are more urgently needed. C.S.H.B. 778 seeks to address this issue by authorizing certain nondeputized county jailers to execute a warrant, a capias, a subpoena, or an attachment.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 778 amends the Code of Criminal Procedure to authorize a county jailer licensed by the Commission on Law Enforcement Officer Standards and Education, if the jailer has successfully completed a training program provided by the sheriff, to execute lawful process issued to the jailer by any magistrate or court on a person confined in the jail at which the jailer is employed to the same extent that a peace officer is authorized to execute process under certain state law, including a warrant, a capias, a subpoena, or an attachment.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 778 differs from the original by making the authorization for a county jailer to execute a certain lawful process on a person confined in the applicable jail contingent on the jailer's successful completion of a training program provided by the sheriff, whereas the original does not include such a contingency.