

BILL ANALYSIS

Senate Research Center
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H.B. 976
By: Carter et al. (Carona)
Criminal Justice
5/6/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, the 81st Legislature enacted H.B. 1060 to authorize a warrant of arrest or a complaint to be forwarded by any method that ensures the transmission of a duplicate of the original warrant, including secure facsimile or secure other electronic device.

H.B. 976 seeks to further promote the use of technology to more quickly obtain an arrest warrant or summons by enabling a person to appear before and communicate with a magistrate through an electronic broadcast system. The bill requires that recording of the appearance be preserved until the defendant is acquitted of the offense or all appeals relating to the offense have been exhausted.

H.B. 976 would not only update and expedite the issuance of search warrants in metropolitan areas, it would also enable law enforcement officers serving areas located many miles away from the nearest judge to obtain a warrant in a more timely manner.

H.B. 976 amends current law relating to the issuance of a warrant or summons by a magistrate.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 15.03, Code of Criminal Procedure, by adding Subsections (c), (d), (e), and (f), as follows:

(c) Authorizes a person, for purposes of Subsection (a)(2) (relating to authorizing a magistrate to issue a warrant of arrest or a summons when any person shall make an oath before the magistrate that another has committed some offense against the laws of the State), to appear before the magistrate in person or the person's image to be presented to the magistrate through an electronic broadcast system.

(d) Requires that a recording of the communication between the person and the magistrate be made if the person's image is presented through an electronic broadcast system under Subsection (c). Requires that the recording be preserved if the defendant is charged with the offense until the defendant is acquitted of the offense, or all appeals relating to the offense have been exhausted.

(e) Authorizes the counsel for the defendant to obtain a copy of the recording on payment of an amount reasonably necessary to cover the costs of reproducing the recording.

(f) Defines, in this article, "electronic broadcast system."

SECTION 2. Effective date: upon passage or September 1, 2011.