

## **BILL ANALYSIS**

H.B. 1173  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, a person arrested without a warrant and detained in jail on a misdemeanor offense must be released on bond within 24 hours of the person's arrest if a magistrate has not determined whether probable cause exists to believe that the person committed the offense. If probable cause has not been determined within that period and no time extension has been granted, the person must be released regardless of the type of misdemeanor case, including assault, weapons cases, theft, and burglary of a motor vehicle. In one large county, due to jail overcrowding concerns, the number of people held in an area while being booked into jail has had to be limited and this has considerably slowed the entire booking process.

H.B. 1173 aims to remedy the prison overcrowding situation in large counties.

### **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**

H.B. 1173 amends the Code of Criminal Procedure to extend the deadline after which a certain person arrested for a misdemeanor without a warrant must be released from jail on a bond not to exceed \$5,000, if a magistrate has not determined whether probable cause exists to believe that the person committed the offense, from not later than the 24th hour to not later than the 36th hour after the person's arrest if the person is arrested in a county with a population of three million or more.

### **EFFECTIVE DATE**

September 1, 2011.