

AN ACT

relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties.

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

SECTION 1. Article 17.033, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (e) and amending Subsections (c) and (d) to read as follows:

(a-1) Notwithstanding Subsection (a) and except as provided by Subsection (c), a person who, in a county with a population of three million or more, is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$5,000, not later than the 36th hour after the person's arrest if the person was arrested for a misdemeanor and a magistrate has not determined whether probable cause exists to believe that the person committed the offense.

(c) On the filing of an application by the attorney representing the state, a magistrate may postpone the release of a person under Subsection (a), (a-1), or (b) for not more than 72 hours after the person's arrest. An application filed under this subsection must state the reason a magistrate has not determined whether probable cause exists to believe that the person committed the offense for which the person was arrested.

(d) The time limits imposed by Subsections (a), (a-1), and (b) do not apply to a person arrested without a warrant who is taken

1 to a hospital, clinic, or other medical facility before being taken
2 before a magistrate under Article 15.17. For a person described by
3 this subsection, the time limits imposed by Subsections (a), (a-1),
4 and (b) begin to run at the time, as documented in the records of the
5 hospital, clinic, or other medical facility, that a physician or
6 other medical professional releases the person from the hospital,
7 clinic, or other medical facility.

8 (e) Subsection (a-1) and this subsection expire on
9 September 1, 2013.

10 SECTION 2. Chapter 17, Code of Criminal Procedure, is
11 amended by adding Article 17.0331 to read as follows:

12 Art. 17.0331. IMPACT STUDY. (a) This article applies only
13 to a county with a population of three million or more.

14 (b) Each county to which this article applies shall conduct
15 an impact study to determine the effect of Article 17.033(a-1) on
16 the county's ability to control and process the county's
17 misdemeanor caseload, including a specific assessment of the effect
18 of that subsection on:

19 (1) the average number of hours a person who is
20 arrested for a misdemeanor is detained in jail before being
21 released on bond;

22 (2) bonding practices, including the number of persons
23 released on personal bond;

24 (3) the inmate population in a county jail and in each
25 municipal jail located in the county;

26 (4) the number of arrests for misdemeanor offenses;

27 (5) public safety;

1 (6) costs to the criminal justice system; and

2 (7) the number of applications filed by the attorney
3 representing the state under Article 17.033(c).

4 (c) The county shall also determine whether a more
5 cost-effective method of controlling and processing misdemeanor
6 caseloads exists than an extension of the period for which a person
7 may be detained after a misdemeanor arrest.

8 (d) Not later than October 15, 2012, the county must file
9 the impact study with:

10 (1) the commissioners court of the county;

11 (2) the Senate Committee on Criminal Justice;

12 (3) the Senate Committee on Jurisprudence; and

13 (4) the House Criminal Jurisprudence Committee.

14 (e) The county shall make the results of the impact study
15 available to the public.

16 (f) This article expires on September 1, 2013.

17 SECTION 3. The change in law made by this Act in amending
18 Article 17.033, Code of Criminal Procedure, applies only to a
19 person arrested for an offense committed on or after the effective
20 date of this Act. A person arrested for an offense committed before
21 the effective date of this Act is governed by the law in effect on
22 the date the offense was committed, and the former law is continued
23 in effect for that purpose. For purposes of this section, an
24 offense was committed before the effective date of this Act if any
25 element of the offense occurred before that date.

26 SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1173 was passed by the House on April 7, 2011, by the following vote: Yeas 143, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1173 on May 27, 2011, by the following vote: Yeas 136, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1173 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 22, Nays 9.

Secretary of the Senate

APPROVED: _____

Date

Governor