

By: Riddle

H.B. No. 1173

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the release on bond of certain persons arrested for a  
3 misdemeanor without a warrant in certain counties.

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

5 SECTION 1. Article 17.033(a), Code of Criminal Procedure,  
6 is amended to read as follows:

7 (a) Except as provided by Subsection (c), a person who is  
8 arrested without a warrant and who is detained in jail must be  
9 released on bond, in an amount not to exceed \$5,000, not later than  
10 the 24th hour after the person's arrest, or the 36th hour after the  
11 person's arrest in a county with a population of three million or  
12 more, if the person was arrested for a misdemeanor and a magistrate  
13 has not determined whether probable cause exists to believe that  
14 the person committed the offense. If the person is unable to obtain  
15 a surety for the bond or unable to deposit money in the amount of the  
16 bond, the person must be released on personal bond.

17 SECTION 2. The change in law made by this Act applies only  
18 to a person arrested for an offense committed on or after the  
19 effective date of this Act. A person arrested for an offense  
20 committed before the effective date of this Act is governed by the  
21 law in effect on the date the offense was committed, and the former  
22 law is continued in effect for that purpose. For purposes of this  
23 section, an offense was committed before the effective date of this  
24 Act if any element of the offense occurred before that date.

1 SECTION 3. This Act takes effect September 1, 2011.