

House Bill 1173
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(a) Except as provided by Subsection (c), a person who 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 24th hour after the person's arrest, or the 36th hour after the person's arrest in a county with a population of three million or more. 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. If the person is unable to obtain a surety for the bond or unable to deposit money in the amount of the bond, the person must be released on personal bond.

No equivalent provision.

SENATE VERSION (IE)

No equivalent provision.

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

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

(e) Subsection (a-1) and this subsection expire on September 1, 2013. [FA1(1)]

No equivalent provision.

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

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

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

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

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

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

(4) the number of arrests for misdemeanor offenses;

(5) public safety;

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- (6) costs to the criminal justice system; and
- (7) the number of applications filed by the attorney representing the state under Article 17.033(c).
- (c) The county shall also determine whether a more cost-effective method of controlling and processing misdemeanor caseloads exists than an extension of the period for which a person may be detained after a misdemeanor arrest.
- (d) Not later than October 15, 2012, the county must file the impact study with:
 - (1) the commissioners court of the county;
 - (2) the Senate Committee on Criminal Justice;
 - (3) the Senate Committee on Jurisprudence; and
 - (4) the House Criminal Jurisprudence Committee.
- (e) The county shall make the results of the impact study available to the public.
- (f) This article expires on September 1, 2013. [FA1(3)]

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

SECTION 2. The change in law made by this Act **in amending Article 17.033, Code of Criminal Procedure**, applies only to a person arrested for an offense committed on or after the effective date of this Act. A person arrested for an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date. [FA1(2)]

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

SECTION 3. Same as House version.