

## **BILL ANALYSIS**

H.B. 1125  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been reported that Texas counties bordering other states often have defendants in custody who require extradition to another state. While defendants are taken before a magistrate in these counties on a daily basis, a magistrate in a rural county is not always a court of record. Because current law requires an arrested person awaiting extradition to be taken before a court of record in Texas, the transfer of defendants is often delayed and imposes additional costs on counties in housing the defendants until the defendants can be taken before a court of record. H.B. 1125 seeks to address these issues by authorizing the taking of a defendant pending extradition before a justice of the peace in a county that borders another state and allowing the defendant to voluntarily waive extradition proceedings in the presence of the justice of the peace.

### **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. 1125 amends the Code of Criminal Procedure to authorize a person arrested under the Uniform Criminal Extradition Act pending extradition to another state to be taken before a justice of the peace serving a precinct that is located in a county bordering another state, as an alternative to being taken before a judge of a court of record in Texas. The bill requires such a justice of the peace to direct the prisoner to a court of record for purposes of obtaining a writ of habeas corpus if the prisoner or the prisoner's counsel states the desire to test the legality of the arrest. The bill authorizes a prisoner to waive extradition proceedings in the presence of a justice of the peace serving a precinct that is located in a county bordering another state, as an alternative to waiving the proceedings in writing before a judge or any court of record, and requires such a justice of the peace, before the waiver is executed, to inform the prisoner of the prisoner's right to the issuance and service of an extradition warrant and right to obtain a writ of habeas corpus.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.