

By: Dutton

H.B. No. 749

A BILL TO BE ENTITLED

AN ACT

relating to the dismissal of a case within the jurisdiction of a municipal court if a peace officer fails to appear for trial.

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

SECTION 1. Subchapter D, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.204 to read as follows:

Art. 45.204. DISMISSAL OF CASE IF PEACE OFFICER FAILS TO APPEAR. For any offense that is within the jurisdiction of a municipal court, the judge shall dismiss the case with prejudice if a peace officer fails to appear in connection with the offense when the case is called for trial. The judge may not continue the case for the sole reason of any failure to appear by the officer.

SECTION 2. The change in law made by this Act applies to a criminal proceeding that commences on or after the effective date of this Act. A criminal proceeding that commences before the effective date of this Act is governed by the law in effect when the proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.