

By: Thompson of Harris

H.B. No. 1115

A BILL TO BE ENTITLED

AN ACT

relating to the appearance of certain misdemeanor defendants before a magistrate.

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

SECTION 1. Article 14.06, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c)(1) A ~~[If the person resides in the county where the offense occurred, a]~~ peace officer for a local law enforcement agency [who is charging a person with committing an offense that is a Class A or B misdemeanor] may[, instead of taking the person before a magistrate,] issue [a citation] to a [the] person a citation that contains the information required by Subsection (e) instead of taking the person before a magistrate if:

(A) the person resides in the county where the offense occurred; and

(B) the peace officer is charging the person with committing an offense that is a Class A or B misdemeanor described by Subsection (d).

(2) A peace officer for a state law enforcement agency or a peace officer who is commissioned under Subchapter E, Chapter 51, Education Code, shall issue to a person a citation that contains the information required by Subsection (e) instead of taking the person before a magistrate if:

1           (A) the person resides in the county where the  
2 offense occurred;

3           (B) the peace officer is charging the person with  
4 committing an offense that is a Class A or B misdemeanor described  
5 by Subsection (d); and

6           (C) the peace officer's supervisor or another  
7 peace officer employed by a local political subdivision with  
8 jurisdiction over the offense has not otherwise authorized the  
9 peace officer to take the person before a magistrate [~~written~~  
10 ~~notice of the time and place the person must appear before a~~  
11 ~~magistrate of this state as described by Subsection (a), the name~~  
12 ~~and address of the person charged, and the offense charged].~~

13           (e) A citation issued under Subsection (c) must contain  
14 written notice of the following information:

15                   (1) the time and place the person must appear before a  
16 magistrate of this state as described by Subsection (a);

17                   (2) the name and address of the person charged; and

18                   (3) the offense charged.

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

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