

By: Rodríguez

S.B. No. 873

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the courts authorized to hear certain matters relating  
3 to a *capias pro fine*.

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

5 SECTION 1. Article 43.05(b), Code of Criminal Procedure, is  
6 amended to read as follows:

7 (b) A *capias pro fine* authorizes a peace officer to place  
8 the defendant in jail until the business day following the date of  
9 the defendant's arrest if the defendant cannot be brought before  
10 the court immediately. Instead of placing the defendant in jail as  
11 authorized by this subsection, the peace officer may bring the  
12 defendant before another court that is in the same territorial  
13 jurisdiction as, and that has concurrent jurisdiction with, the  
14 court that issued the *capias pro fine*.

15 SECTION 2. Article 45.045, Code of Criminal Procedure, is  
16 amended by adding Subsection (a-1) to read as follows:

17 (a-1) Instead of placing the defendant in jail as authorized  
18 by Subsection (a), the peace officer may bring the defendant before  
19 another court that is in the same county as, and that has concurrent  
20 jurisdiction with, the court that issued the *capias pro fine*.

21 SECTION 3. Article 45.046, Code of Criminal Procedure, is  
22 amended by adding Subsection (d) to read as follows:

23 (d) For purposes of a hearing described by Subsection (a),  
24 if the defendant cannot be immediately brought before the court

1 that entered the judgment and sentence against the defendant,  
2 another court that is in the same county as, and that has concurrent  
3 jurisdiction with, the court that entered the judgment and sentence  
4 may conduct the hearing.

5 SECTION 4. This Act takes effect September 1, 2015.