

By: Rodríguez
(Moody)

S.B. No. 873

Substitute the following for S.B. No. 873:

By: Herrero

C.S.S.B. No. 873

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Article 43.05, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) If the court that issued the *capias pro fine* is unavailable, the arresting officer may, in lieu of placing the defendant in jail, take the defendant to:

(1) another court in the same county with jurisdiction over Class A and Class B misdemeanors or a county criminal law magistrate court in the same county, if the court that issued the *capias pro fine* was a county court or a statutory county court with Class A and Class B misdemeanor jurisdiction; or

(2) another court in the same county with jurisdiction over felony cases or a county criminal law magistrate court in the same county, if the court that issued the *capias pro fine* was a district court with felony jurisdiction.

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

(a-1) If the court that issued the *capias pro fine* is unavailable, the arresting officer may, in lieu of placing the defendant in jail, take the defendant to:

(1) a justice of the peace court or county criminal law

1 magistrate court with jurisdiction over Class C misdemeanors that
2 is located in the same county, if the court that issued the capias
3 pro fine was a justice of the peace court; or

4 (2) a municipal court that is located in the same
5 municipality, if the court that issued the capias pro fine was a
6 municipal court.

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

9 (d) For purposes of a hearing described by Subsection (a),
10 if the court that issued the capias pro fine is unavailable, the
11 following judicial officers may conduct the hearing:

12 (1) a justice of the peace or county criminal law
13 magistrate with jurisdiction over Class C misdemeanors who is
14 located in the same county as the issuing court, if the issuing
15 court was a justice of the peace court; or

16 (2) a municipal court judge who is located in the same
17 municipality as the issuing court, if the issuing court was a
18 municipal court.

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