

By: Moody

H.B. No. 362

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for rearrest and adjustment of the bond amount in certain criminal cases.

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

SECTION 1. Section 4, Article 17.09, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. (a) Notwithstanding any other provision of this article, the judge or magistrate in whose court a criminal action is pending may not order the accused to be rearrested or require the accused to give another bond in a higher amount because the accused:

(1) withdraws a waiver of the right to counsel; ~~[or]~~

(2) requests the assistance of counsel, appointed or retained; or

(3) is formally charged with the same offense for which the accused was initially arrested and bond was given, except as provided by Subsection (b).

(b) The judge or magistrate may order the accused to be rearrested or require the accused to give another bond in a higher amount based on the circumstance described by Subsection (a)(3) only after providing notice to each party to the action and, on request of any party, an opportunity for a hearing.

SECTION 2. This Act takes effect September 1, 2017.