

By: Canales

H.B. No. 664

A BILL TO BE ENTITLED

AN ACT

relating to the release on bail of a defendant arrested following a violation of a condition of community supervision.

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

SECTION 1. Article 42A.751, Code of Criminal Procedure, is amended by amending Subsections (c) and (d) and adding Subsection (c-1) to read as follows:

(c) Without any unnecessary delay, but not later than 48 hours after the defendant is arrested, the arresting officer or the person with custody of the defendant shall take the defendant before the judge who ordered the arrest for the alleged violation of a condition of community supervision or, if the judge is unavailable, before a magistrate of the county in which the defendant was arrested. The judge or magistrate shall perform all appropriate duties and may exercise all appropriate powers as provided by Article 15.17 with respect to an arrest for a new offense. Except as provided by Subsection (c-1), ~~[except that]~~ only the judge who ordered the arrest for the alleged violation may authorize the defendant's release on bail. The defendant may be taken before the judge or magistrate under this subsection by means of an electronic broadcast system as provided by and subject to the requirements of Article 15.17.

(c-1) Any magistrate in the county in which a defendant is arrested for an alleged violation of a condition of community

1 supervision may release the defendant on bail if:

2 (1) the defendant is on community supervision for an  
3 offense punishable as a misdemeanor;

4 (2) the alleged violation of community supervision for  
5 which the arrest is ordered involves only conduct constituting the  
6 commission of a nonviolent offense that is punishable as a  
7 misdemeanor; and

8 (3) the defendant is arrested in the same county in  
9 which the defendant is under community supervision.

10 (d) If the defendant has not been released on bail as  
11 permitted under this article [~~Subsection (c)~~], on motion by the  
12 defendant, the judge who ordered the arrest for the alleged  
13 violation of a condition of community supervision shall cause the  
14 defendant to be brought before the judge for a hearing on the  
15 alleged violation within 20 days of the date the motion is filed.  
16 After a hearing without a jury, the judge may continue, extend,  
17 modify, or revoke the community supervision.

18 SECTION 2. The change in law made by this Act applies only  
19 to a person who is arrested on or after the effective date of this  
20 Act. A person arrested before the effective date of this Act is  
21 governed by the law in effect on the date the person was arrested,  
22 and the former law is continued in effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2017.