

By: Canales

H.B. No. 664

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the release on bail of a defendant arrested following a
3 violation of a condition of community supervision.

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

5 SECTION 1. Article 42A.751(c), Code of Criminal Procedure,
6 is amended to read as follows:

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

22 SECTION 2. The change in law made by this Act applies only
23 to a person who is arrested on or after the effective date of this
24 Act. A person arrested before the effective date of this Act is

1 governed by the law in effect on the date the person was arrested,
2 and the former law is continued in effect for that purpose.

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