

By: Wilson, Murr, Lang, et al.

H.B. No. 1574

A BILL TO BE ENTITLED

AN ACT

relating to documentation regarding an arrest of a person without a warrant.

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

SECTION 1. Chapter 14, Code of Criminal Procedure, is amended by adding Article 14.052 to read as follows:

Art. 14.052. AFFIDAVIT REQUIRED AFTER ARREST WITHOUT WARRANT. (a) A peace officer who arrests a person without a warrant shall, as soon as practicable but before the person is taken before a magistrate as provided by Article 14.06:

(1) prepare an affidavit containing a statement of the probable cause for the arrest; and

(2) either:

(A) file the affidavit with the magistrate before whom the defendant is to be taken; or

(B) give the affidavit to the officer to whom custody of the person is transferred.

(b) The affidavit must be in writing. An affidavit in an electronic format with an electronic signature satisfies the requirements of this subsection.

(c) If a peace officer arrests a person without a warrant for an offense punishable by a fine only, the affidavit required by Subsection (a) must include a statement of the reason the officer determined that it was necessary to arrest the person and take the

1 person or have the person taken before a magistrate as provided by
2 Article 14.06, instead of issuing to the person a citation
3 containing written notice of the time and place the person must
4 appear before a magistrate.

5 SECTION 2. Article 17.033(a), Code of Criminal Procedure,
6 is amended to read as follows:

7 (a) Except as provided by Subsection (c), a person who is
8 arrested without a warrant and who is detained in jail must be
9 released on bond, in an amount not to exceed \$5,000, not later than
10 the 24th hour after the person's arrest if the person was arrested
11 for a misdemeanor and a magistrate has not determined whether
12 probable cause exists to believe that the person committed the
13 offense or an affidavit meeting the requirements of Article 14.052
14 has not been filed with the court. If the person is unable to obtain
15 a surety for the bond or unable to deposit money in the amount of the
16 bond, the person must be released on personal bond.

17 SECTION 3. The change in law made by this Act applies only
18 to a person who is arrested on or after the effective date of this
19 Act. A person arrested before the effective date of this Act is
20 governed by the law in effect on the date the person was arrested,
21 and the former law is continued in effect for that purpose.

22 SECTION 4. This Act takes effect September 1, 2017.