

1-1 By: Wilson, et al. (Senate Sponsor - Buckingham) H.B. No. 1574  
 1-2 (In the Senate - Received from the House May 10, 2017;  
 1-3 May 10, 2017, read first time and referred to Committee on Criminal  
 1-4 Justice; May 21, 2017, reported favorably by the following vote:  
 1-5 Yeas 6, Nays 0; May 21, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman			X	
1-9 Birdwell	X			
1-10 Burton	X			
1-11 Creighton			X	
1-12 Garcia	X			
1-13 Hughes	X			
1-14 Menéndez	X			
1-15 Perry			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to documentation regarding an arrest of a person without a  
 1-20 warrant.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 14, Code of Criminal Procedure, is  
 1-23 amended by adding Article 14.052 to read as follows:

1-24 Art. 14.052. AFFIDAVIT REQUIRED AFTER ARREST WITHOUT  
 1-25 WARRANT. (a) A peace officer who arrests a person without a  
 1-26 warrant shall, as soon as practicable but before the person is taken  
 1-27 before a magistrate as provided by Article 14.06:

1-28 (1) prepare an affidavit containing a statement of the  
 1-29 probable cause for the arrest; and

1-30 (2) either:

1-31 (A) file the affidavit with the magistrate before  
 1-32 whom the defendant is to be taken; or

1-33 (B) give the affidavit to the officer to whom  
 1-34 custody of the person is transferred.

1-35 (b) The affidavit must be in writing. An affidavit in an  
 1-36 electronic format with an electronic signature satisfies the  
 1-37 requirements of this subsection.

1-38 (c) If a peace officer arrests a person without a warrant  
 1-39 for an offense punishable by a fine only, the affidavit required by  
 1-40 Subsection (a) must include a statement of the reason the officer  
 1-41 determined that it was necessary to arrest the person and take the  
 1-42 person or have the person taken before a magistrate as provided by  
 1-43 Article 14.06, instead of issuing to the person a citation  
 1-44 containing written notice of the time and place the person must  
 1-45 appear before a magistrate.

1-46 SECTION 2. Article 17.033(a), Code of Criminal Procedure,  
 1-47 is amended to read as follows:

1-48 (a) Except as provided by Subsection (c), a person who is  
 1-49 arrested without a warrant and who is detained in jail must be  
 1-50 released on bond, in an amount not to exceed \$5,000, not later than  
 1-51 the 24th hour after the person's arrest if the person was arrested  
 1-52 for a misdemeanor and a magistrate has not determined whether  
 1-53 probable cause exists to believe that the person committed the  
 1-54 offense or an affidavit meeting the requirements of Article 14.052  
 1-55 has not been filed with the court. If the person is unable to obtain  
 1-56 a surety for the bond or unable to deposit money in the amount of the  
 1-57 bond, the person must be released on personal bond.

1-58 SECTION 3. The change in law made by this Act applies only  
 1-59 to a person who is arrested on or after the effective date of this  
 1-60 Act. A person arrested before the effective date of this Act is  
 1-61 governed by the law in effect on the date the person was arrested,

2-1 and the former law is continued in effect for that purpose.

2-2 SECTION 4. This Act takes effect September 1, 2017.

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