

By: Allen

H.B. No. 3773

A BILL TO BE ENTITLED

AN ACT

relating to certain persons arrested under a warrant.

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

SECTION 1. Articles 15.18(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a)(1) Except as provided by Subdivision (2), a [A] person arrested under a warrant issued in a county other than the one in which the person is arrested shall be taken without unnecessary delay before a magistrate of the county where the arrest takes place or, to provide more expeditiously to the arrested person the warnings described by Article 15.17, before a magistrate in any other county of this state, including the county where the warrant was issued.

(2) If a person arrested as described by Subdivision (1) is also arrested for an offense punishable as a Class B misdemeanor or any higher category of offense alleged to have been committed in the county of arrest or is also arrested under a warrant issued in the county of arrest for an offense punishable as a Class B misdemeanor or any higher category of offense, the person shall be taken without unnecessary delay, but not later than 48 hours after the person is arrested, before a magistrate of the county where the arrest takes place or, to provide more expeditiously to the arrested person the warnings described by Article 15.17, before a magistrate in any other county of this

1 state.

2           (3) The magistrate before whom an arrested person is  
3 taken under Subdivision (1) or (2) shall:

4           (A) [~~(1)~~] take bail, if allowed by law, and, if  
5 without jurisdiction, immediately transmit the bond taken to the  
6 court having jurisdiction of the offense; or

7           (B) [~~(2)~~] in the case of a person arrested under  
8 warrant for an offense punishable by fine only, accept a written  
9 plea of guilty or nolo contendere, set a fine, determine costs,  
10 accept payment of the fine and costs, give credit for time served,  
11 determine indigency, or, on satisfaction of the judgment, discharge  
12 the defendant, as the case may indicate.

13           (b) Before the 11th business day after the date a magistrate  
14 accepts a written plea of guilty or nolo contendere in a case under  
15 Subsection (a)(3)(B) [~~(a)(2)~~], the magistrate shall, if without  
16 jurisdiction, transmit to the court having jurisdiction of the  
17 offense:

- 18           (1) the written plea;  
19           (2) any orders entered in the case; and  
20           (3) any fine or costs collected in the case.

21           SECTION 2. Article [15.21](#), Code of Criminal Procedure, is  
22 amended to read as follows:

23           Art. 15.21. PRISONER DISCHARGED IF NOT TIMELY DEMANDED.

24 (a) Except as provided by Subsection (b), if [~~if~~] the proper office  
25 of the county where the offense is alleged to have been committed  
26 does not demand the arrested person and take charge of the arrested  
27 person before the 11th day after the date the person is committed to

1 the jail of the county in which the person is arrested, the arrested  
2 person shall be discharged from custody.

3 (b) If a person arrested under a warrant issued in a county  
4 other than the county in which the person is arrested is also  
5 arrested for an offense punishable as a Class B misdemeanor or any  
6 higher category of offense alleged to have been committed in the  
7 county of arrest or is also arrested under a warrant issued in the  
8 county of arrest for an offense punishable as a Class B misdemeanor  
9 or any higher category of offense, the arrested person shall be  
10 discharged from custody on the 11th day after the date the arrested  
11 person's charge or warrant in the county of arrest is disposed of or  
12 adjudicated, unless the proper office of the county that issued a  
13 warrant under which the person was arrested but that was not the  
14 county of arrest demands the arrested person and takes charge of the  
15 arrested person before that day.

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

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