

By: Perry

S.B. No. 172

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures applicable to a person arrested for an out-of-county offense.

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

SECTION 1. Article 1.051(c-1), Code of Criminal Procedure, is amended to read as follows:

(c-1) If an indigent defendant is arrested under a warrant issued in a county other than the county in which the arrest was made and the defendant is entitled to and requests appointed counsel, a court or the courts' designee authorized under Article 26.04 to appoint counsel for indigent defendants in the county that issued the warrant shall appoint counsel within the periods prescribed by Subsection (c), regardless of whether the defendant is present within the county issuing the warrant and even if adversarial judicial proceedings have not yet been initiated against the defendant in the county issuing the warrant. However, if the defendant has not been transferred or released into the custody of the county issuing the warrant before the eighth ~~eleventh~~ day after the date of the arrest and if counsel has not otherwise been appointed for the defendant in the arresting county under this article, a court or the courts' designee authorized under Article 26.04 to appoint counsel for indigent defendants in the arresting county immediately shall appoint counsel to represent the defendant in any matter under Chapter 11 or 17, regardless of whether

1 adversarial judicial proceedings have been initiated against the
2 defendant in the arresting county. If counsel is appointed for the
3 defendant in the arresting county as required by this subsection,
4 the arresting county may seek from the county that issued the
5 warrant reimbursement for the actual costs paid by the arresting
6 county for the appointed counsel.

7 SECTION 2. Article 15.20(b), Code of Criminal Procedure, is
8 amended to read as follows:

9 (b) A sheriff who receives notice under Article 15.19(a)(2)
10 of a warrant issued under Section 508.251, Government Code, shall
11 have the arrested person brought before the proper magistrate or
12 court before the eighth [~~11th~~] day after the date the person is
13 committed to the jail of the county in which the person was
14 arrested.

15 SECTION 3. Article 15.21, Code of Criminal Procedure, is
16 amended to read as follows:

17 Art. 15.21. RELEASE ON PERSONAL BOND IF NOT TIMELY
18 DEMANDED. If the proper office of the county where the offense is
19 alleged to have been committed does not demand an arrested person
20 described by Article 15.19 and take charge of the arrested person
21 before the eighth [~~11th~~] day after the date the person is committed
22 to the jail of the county in which the person is arrested, a
23 magistrate in the county where the person was arrested shall:

24 (1) release the arrested person on personal bond
25 without sureties or other security; and

26 (2) forward the personal bond to:

27 (A) the sheriff of the county where the offense

1 is alleged to have been committed; or

2 (B) the court that issued the warrant of arrest.

3 SECTION 4. The change in law made by this Act applies only
4 to a person who is arrested on or after the effective date of this
5 Act. A person arrested before the effective date of this Act is
6 governed by the law in effect on the date the person was arrested,
7 and the former law is continued in effect for that purpose.

8 SECTION 5. This Act takes effect September 1, 2019.