

## **BILL ANALYSIS**

C.S.H.B. 830  
By: Thompson, Senfronia  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the authority of law enforcement to arrest a person for conduct constituting a fine-only misdemeanor, especially in light of the case of Sandra Bland, who was pulled out of her car when her only violation was failing to signal. It has been noted that people across the state have been arrested for a wide range of fine-only traffic offenses, such as seat belt violations or failure to use a turn signal. There have been calls for Texas to ensure that the authority of law enforcement to arrest an offender is commensurate with the violation. C.S.H.B. 830 seeks to address this issue by limiting the authority of law enforcement to make an arrest for certain fine-only traffic misdemeanors and by providing for the creation of a model cite and release policy for adoption by law enforcement agencies across the state.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 830 amends the Code of Criminal Procedure to require Texas Southern University, in consultation with law enforcement agencies, law enforcement associations, law enforcement training experts, and community organizations engaged in the development of law enforcement policy, to publish, not later than January 1, 2022, a written model policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses that are punishable by fine only. The policy must do the following:

- provide a procedure for a peace officer, on a person's presentation of appropriate identification, to verify the person's identity and issue a citation to the person; and
- comply with certain statutory procedures relating to an offense committed in the presence or within view of a peace officer, the general authority of a peace officer to make an arrest without a warrant under certain conditions, the requirement to take an offender before a magistrate, an arrest and notice to appear for certain violations of the rules of the road.

C.S.H.B. 830 requires each law enforcement agency in Texas to adopt, not later than March 1, 2022, a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only. The policy must meet the requirements for the model policy as prescribe by the bill and a law enforcement agency may adopt the model policy published by Texas Southern University under the bill's provisions.

C.S.H.B. 830 amends the Transportation Code to provide an exception to a peace officer's authority to arrest without warrant a person found committing a rules of the road violation for a person found committing one or more fine-only misdemeanors. The bill expands the types of road violations for which issuance of a written notice to appear is mandatory by including all fine-only misdemeanors under the rules of the road.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 830 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the following provisions, which were present in the original:

- Code of Criminal Procedure provisions prohibiting a peace officer or any other person from arresting without a warrant an offender for any fine-only misdemeanor, other than certain assault offenses or public intoxication; and
- Code of Criminal Procedure provisions requiring a peace officer who is charging a person with committing a fine-only misdemeanor, other than those assault or public intoxication offenses, to issue a citation to the person instead of taking the person before a magistrate.