87R21448 ADM-F

By:  Guillen H.B. No. 4485

Substitute the following for H.B. No. 4485:

By:  Collier C.S.H.B. No. 4485

A BILL TO BE ENTITLED

AN ACT

relating to the release of a defendant arrested for a misdemeanor punishable by fine only.

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

SECTION 1.  Article 15.17(b), Code of Criminal Procedure, is amended to read as follows:

(b)  After an accused charged with a misdemeanor punishable by fine only is taken before a magistrate under Subsection (a) and the magistrate has identified the accused with certainty, the magistrate may release the accused without bond and order the accused to appear at a later date for arraignment in the applicable justice court or municipal court. The order must state in writing the time, date, and place of the arraignment, and the magistrate must sign the order. The accused shall receive a copy of the order on release. If an accused fails to appear as required by the order, the judge of the court in which the accused is required to appear shall issue a warrant for the arrest of the accused. If the accused is arrested and brought before the judge, the judge may admit the accused to bail, and in admitting the accused to bail, the judge should set as the amount of bail an amount double that generally set for the offense for which the accused was arrested. [~~This subsection does not apply to an accused who has previously been convicted of a felony or a misdemeanor other than a misdemeanor punishable by fine only.~~]

SECTION 2.  Article 45.016(c), Code of Criminal Procedure, as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(c)  If before the expiration of a 48-hour period following the issuance of the applicable order a defendant described by Subsection (b) remains in custody for a misdemeanor punishable by fine only and [~~Subsections (b)(1) and (2)~~] does not give a required bail bond, the justice or judge:

(1)  shall reconsider the requirement for the defendant to give the bail bond and presume that the defendant does not have sufficient resources or income to give the bond; and

(2)  may require the defendant to give a personal bond.

SECTION 3.  Article 45.016(c), Code of Criminal Procedure, as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

SECTION 4.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5.  This Act takes effect September 1, 2021.