

By: Guillen

H.B. No. 4485

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the release of a defendant arrested for a misdemeanor
3 punishable by fine only.

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

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

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

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

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

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

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

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15 Regular Session, 2017, is repealed.

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

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