

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

9 SECTION 3. This Act takes effect September 1, 2021.