

BILL ANALYSIS

H.B. 410
By: Thompson, Senfronia
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

People are routinely arrested for a wide range of non-jailable offenses, including traffic violations. The practice of arresting an individual for a minor violation that does not provide for jail time as a punishment uses a great deal of criminal justice resources. Sandra Bland is the most notable instance of a Texan being arrested for a low-level offense. In 2015, she was pulled out of her car and arrested when her only violation was the failure to signal a lane change. In addition, officers use this as a tool to sidestep the U.S. Constitutional prohibition against unreasonable searches and seizures. H.B. 410 seeks to prohibit arrests for fine-only traffic violations without a warrant and provides for the creation of a model cite and release policy for adoption by law enforcement agencies across Texas.

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

H.B. 410 amends the Code of Criminal Procedure to require Texas Southern University, in collaboration with law enforcement agencies, law enforcement associations, law enforcement training experts, the Bill Blackwood Law Enforcement Management Institute of Texas, and community organizations engaged in the development of law enforcement policy, to publish, not later than January 1, 2024, a written model policy regarding the issuance of citations for fine-only misdemeanor offenses, including traffic offenses. The policy must 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 must comply with statutory procedures relating to the following:

- 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; and
- an arrest without warrant and notice to appear for certain violations of the rules of the road.

H.B. 410 requires each law enforcement agency in Texas to adopt, not later than March 1, 2024, a written policy regarding the issuance of citations for fine-only misdemeanor offenses, including traffic offenses. The policy must meet the requirements for the model policy as prescribed by the bill, and a law enforcement agency may adopt the model policy published by Texas Southern University.

H.B. 410 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 only 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 to include all fine-only misdemeanors under the rules of the road.

H.B. 410 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.