

By: Thompson of Harris, Cain, et al.

H.B. No. 410

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to law enforcement policies regarding the issuance of  
3 citations for misdemeanors punishable by fine only and to a  
4 limitation on the authority to arrest a person for certain  
5 fine-only misdemeanors.

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

7 SECTION 1. Chapter 2, Code of Criminal Procedure, is  
8 amended by adding Article 2.1309 to read as follows:

9 Art. 2.1309. CITE AND RELEASE POLICY. (a) In this article,  
10 "law enforcement agency" means an agency of the state or an agency  
11 of a political subdivision of the state authorized by law to employ  
12 peace officers.

13 (b) The Bill Blackwood Law Enforcement Management Institute  
14 of Texas, in collaboration with law enforcement agencies, law  
15 enforcement associations, law enforcement training experts, and  
16 community organizations engaged in the development of law  
17 enforcement policy, shall publish a written model policy regarding  
18 the issuance of citations for misdemeanor offenses, including  
19 traffic offenses, that are punishable by fine only. The policy must  
20 provide a procedure for a peace officer, on a person's presentation  
21 of appropriate identification, to verify the person's identity and  
22 issue a citation to the person. The policy must comply with  
23 Articles 14.01, 14.03, and 14.06 of this code and Sections 543.001  
24 and 543.004, Transportation Code.

1        (c) Each law enforcement agency shall adopt a written policy  
2 regarding the issuance of citations for misdemeanor offenses,  
3 including traffic offenses, that are punishable by fine only. The  
4 policy must meet the requirements for the model policy described by  
5 Subsection (b). A law enforcement agency may adopt the model policy  
6 published by the Bill Blackwood Law Enforcement Management  
7 Institute of Texas under Subsection (b).

8        SECTION 2. Section 543.001, Transportation Code, is amended  
9 to read as follows:

10        Sec. 543.001. ARREST WITHOUT WARRANT AUTHORIZED. Any peace  
11 officer may arrest without warrant a person found committing a  
12 violation of this subtitle, other than a person found only  
13 committing one or more misdemeanors punishable by fine only.

14        SECTION 3. Section 543.004(a), Transportation Code, is  
15 amended to read as follows:

16        (a) An officer shall issue a written notice to appear if:

17            (1) the offense charged is a misdemeanor under this  
18 subtitle that is punishable by fine only[+

19                    [~~(A) speeding,~~

20                    [~~(B) the use of a wireless communication device~~  
21 ~~under Section 545.4251, or~~

22                    [~~(C) a violation of the open container law,~~  
23 ~~Section 49.031, Penal Code]~~; and

24            (2) the person makes a written promise to appear in  
25 court as provided by Section 543.005.

26        SECTION 4. The changes in law made by this Act apply only to  
27 an offense committed on or after the effective date of this Act. An

1 offense committed before the effective date of this Act is governed  
2 by the law in effect on the date the offense was committed, and the  
3 former law is continued in effect for that purpose. For purposes of  
4 this section, an offense was committed before the effective date of  
5 this Act if any element of the offense occurred before that date.

6 SECTION 5. (a) Not later than January 1, 2024, the Bill  
7 Blackwood Law Enforcement Management Institute of Texas shall  
8 publish the model policy required by Article 2.1309(b), Code of  
9 Criminal Procedure, as added by this Act.

10 (b) Not later than March 1, 2024, each law enforcement  
11 agency in this state shall adopt the policy required by Article  
12 2.1309(c), Code of Criminal Procedure, as added by this Act.

13 SECTION 6. This Act takes effect September 1, 2023.