

BILL ANALYSIS

H.B. 2492
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current state law, the head of an arresting agency has discretionary authority to hold a person arrested for family violence for up to four hours after bond has been posted if there is probable cause to believe the violence will continue upon immediate release. The bill author has informed the committee that despite this protective provision, implementation varies across jurisdictions, potentially leaving victims vulnerable during the critical period immediately following an alleged abuser's release, with statistics demonstrating that the time immediately following an arrest is often the most dangerous for victims of family violence. H.B. 2492 seeks to strengthen protections for family violence victims and create a consistent cooling-off period statewide that ensures victims have time to implement safety plans by changing the current discretionary authority to a mandatory requirement that law enforcement hold individuals arrested for family violence for four hours after bond is posted when there is probable cause to believe violence will continue.

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. 2492 amends the Code of Criminal Procedure to replace the authorization for the head of an agency arresting or holding a person without a warrant in the prevention of family violence to hold the person for a maximum four-hour period after bond has been posted if there is probable cause to believe the violence will continue if the person is immediately released with a requirement for that agency head to hold such a person under those circumstances for a period of four hours after bond has been posted.

H.B. 2492 applies only to a person who is arrested on or after the bill's effective date. A person arrested before the bill's effective date is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.