

1-1 By: Rodríguez S.B. No. 873  
 1-2 (In the Senate - Filed March 2, 2015; March 4, 2015, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 April 20, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 20, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8  |     |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 | X   |     |        |     |
| 1-13 | X   |     |        |     |
| 1-14 | X   |     |        |     |
| 1-15 |     |     | X      |     |

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 873 By: Whitmire

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the courts authorized to hear certain matters relating  
 1-20 to a *capias pro fine*.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 43.05(b), Code of Criminal Procedure, is  
 1-23 amended to read as follows:

1-24 (b) A *capias pro fine* authorizes a peace officer to place  
 1-25 the defendant in jail until the business day following the date of  
 1-26 the defendant's arrest if the defendant cannot be brought before  
 1-27 the court immediately. Instead of placing the defendant in jail as  
 1-28 authorized by this subsection, the peace officer may bring the  
 1-29 defendant before another court that is in the same territorial  
 1-30 jurisdiction as, and that has concurrent jurisdiction with, the  
 1-31 court that issued the *capias pro fine*.

1-32 SECTION 2. Article 45.045, Code of Criminal Procedure, is  
 1-33 amended by adding Subsection (a-1) to read as follows:

1-34 (a-1) Instead of placing the defendant in jail as authorized  
 1-35 by Subsection (a), the peace officer may bring the defendant before  
 1-36 another court that is in the same county as, and that has concurrent  
 1-37 jurisdiction with, the court that issued the *capias pro fine*.

1-38 SECTION 3. Article 45.046, Code of Criminal Procedure, is  
 1-39 amended by adding Subsection (d) to read as follows:

1-40 (d) For purposes of a hearing described by Subsection (a),  
 1-41 if the defendant cannot be immediately brought before the court  
 1-42 that entered the judgment and sentence against the defendant,  
 1-43 another court that is in the same county as, and that has concurrent  
 1-44 jurisdiction with, the court that entered the judgment and sentence  
 1-45 may conduct the hearing.

1-46 SECTION 4. This Act takes effect September 1, 2015.

1-47 \* \* \* \* \*