

By: Madden

H.B. No. 2391

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appearance of certain misdemeanor offenders before
3 a magistrate.

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

5 SECTION 1. Article 14.06, Code of Criminal Procedure, is
6 amended by amending Subsection (a) and adding Subsection (c) to
7 read as follows:

8 (a) Except as otherwise provided by this article
9 [~~Subsection (b)~~], in each case enumerated in this Code, the person
10 making the arrest or the person having custody of the person
11 arrested shall take the person arrested or have him taken without
12 unnecessary delay, but not later than 48 hours after the person is
13 arrested, before the magistrate who may have ordered the arrest,
14 before some magistrate of the county where the arrest was made
15 without an order, or, to provide more expeditiously to the person
16 arrested the warnings described by Article 15.17 of this Code,
17 before a magistrate in any other county of this state. The
18 magistrate shall immediately perform the duties described in
19 Article 15.17 of this Code.

20 (c) A peace officer who is charging a person, including a
21 child, with committing an offense that is a Class B misdemeanor may,
22 instead of taking the person before a magistrate, issue a citation
23 to the person that contains written notice of the time and place the
24 person must appear before a magistrate of this state as described by

1 Subsection (a), the name and address of the person charged, and the
2 offense charged. This subsection does not apply to a person
3 charged with an offense committed under:

4 (1) Section 22.01, 25.04, 37.12, 38.02, 38.04, 42.01,
5 42.02, 49.04, 49.05, 49.06, or 49.065, Penal Code;

6 (2) Section 37.123, Education Code; or

7 (3) Section 545.421, Transportation Code.

8 SECTION 2. Article 15.17, Code of Criminal Procedure, is
9 amended by adding Subsection (g) to read as follows:

10 (g) If a person charged with an offense punishable as a
11 Class B or Class C misdemeanor appears before a magistrate in
12 compliance with a citation issued under Article 14.06(b) or (c),
13 the magistrate shall perform the duties imposed by this article in
14 the same manner as if the person had been arrested and brought
15 before the magistrate by a peace officer.

16 SECTION 3. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 covered by the law in effect when the offense was committed, and the
20 former law is continued in effect for that purpose. For purposes of
21 this section, an offense is committed before the effective date of
22 this Act if any element of the offense occurs before the effective
23 date.

24 SECTION 4. This Act takes effect September 1, 2007.