

1-1 By: Madden (Senate Sponsor - Seliger) H.B. No. 2391
1-2 (In the Senate - Received from the House April 30, 2007;
1-3 May 2, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 16, 2007, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 16, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the appearance of certain misdemeanor offenders before
1-9 a magistrate.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 14.06, Code of Criminal Procedure, is
1-12 amended by amending Subsection (a) and adding Subsections (c) and
1-13 (d) to read as follows:

1-14 (a) Except as otherwise provided by this article
1-15 [~~Subsection (b)~~], in each case enumerated in this Code, the person
1-16 making the arrest or the person having custody of the person
1-17 arrested shall take the person arrested or have him taken without
1-18 unnecessary delay, but not later than 48 hours after the person is
1-19 arrested, before the magistrate who may have ordered the arrest,
1-20 before some magistrate of the county where the arrest was made
1-21 without an order, or, to provide more expeditiously to the person
1-22 arrested the warnings described by Article 15.17 of this Code,
1-23 before a magistrate in any other county of this state. The
1-24 magistrate shall immediately perform the duties described in
1-25 Article 15.17 of this Code.

1-26 (c) If the person resides in the county where the offense
1-27 occurred, a peace officer who is charging a person with committing
1-28 an offense that is a Class A or B misdemeanor may, instead of taking
1-29 the person before a magistrate, issue a citation to the person that
1-30 contains written notice of the time and place the person must appear
1-31 before a magistrate of this state as described by Subsection (a),
1-32 the name and address of the person charged, and the offense charged.

1-33 (d) Subsection (c) applies only to a person charged with
1-34 committing an offense under:

1-35 (1) Section 481.121, Health and Safety Code, if the
1-36 offense is punishable under Subsection (b)(1) or (2) of that
1-37 section;

1-38 (2) Section 28.03, Penal Code, if the offense is
1-39 punishable under Subsection (b)(2) of that section;

1-40 (3) Section 28.08, Penal Code, if the offense is
1-41 punishable under Subsection (b)(1) of that section;

1-42 (4) Section 31.03, Penal Code, if the offense is
1-43 punishable under Subsection (e)(2)(A) of that section;

1-44 (5) Section 31.04, Penal Code, if the offense is
1-45 punishable under Subsection (e)(2) of that section;

1-46 (6) Section 38.114, Penal Code, if the offense is
1-47 punishable as a Class B misdemeanor; or

1-48 (7) Section 521.457, Transportation Code.

1-49 SECTION 2. Article 15.17, Code of Criminal Procedure, is
1-50 amended by adding Subsection (g) to read as follows:

1-51 (g) If a person charged with an offense punishable as a
1-52 misdemeanor appears before a magistrate in compliance with a
1-53 citation issued under Article 14.06(b) or (c), the magistrate shall
1-54 perform the duties imposed by this article in the same manner as if
1-55 the person had been arrested and brought before the magistrate by a
1-56 peace officer. After the magistrate performs the duties imposed by
1-57 this article, the magistrate except for good cause shown may
1-58 release the person on personal bond. If a person who was issued a
1-59 citation under Article 14.06(c) fails to appear as required by that
1-60 citation, the magistrate before which the person is required to
1-61 appear shall issue a warrant for the arrest of the accused.

1-62 SECTION 3. The change in law made by this Act applies only
1-63 to an offense committed on or after the effective date of this Act.
1-64 An offense committed before the effective date of this Act is

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

2-6 SECTION 4. This Act takes effect September 1, 2007.

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