

BILL ANALYSIS

Senate Research Center
77R4440 JD-D

H.B. 363
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Jurisprudence
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Engrossed

DIGEST AND PURPOSE

Under current law, a peace officer may not arrest a person for a traffic offense involving speeding or a violation of the open container law. In these situations the officer is required to issue a written notice to appear. H.B. 363 provides that all traffic offenses that are Class C misdemeanors are offenses for which a peace officer is required to issue a citation that contains a written notice to appear if a person displays the required identification.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 543.004, Transportation Code, as follows:

Sec. 543.004. New heading: NOTICE TO APPEAR REQUIRED. Provides that the issuance of a written notice to appear as provided by Section 543.003 is mandatory and requires an officer to issue a written notice to appear if the offense charged is a misdemeanor punishable by fine only, rather than speeding or a violation of the open container law. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Article 14.06, Code of Criminal Procedure, to require a peace officer who is charging a person, including a child, with committing a traffic offense that is a Class C misdemeanor, including an offense under Section 49.03 (Consumption or Possession of Alcoholic Beverage in Motor Vehicle), Penal Code, instead of taking the person before a magistrate, to issue a citation to the person that contains written notice of the time and place the person must appear before a magistrate, the name and address of the person charged, and the offense charged. Provides that if the person is a resident of or is operating a vehicle licenced in a state or county other than this state, this subsection applies only as provided by Chapter 703 (Nonresident Violator Compact of 1997), Transportation Code. Makes conforming and nonsubstantive changes.

SECTION 3. Effective date: September 1, 2001.

Makes application of this Act prospective.