

BILL ANALYSIS

Senate Research Center
80R13860 SLO-F

H.B. 2391
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas county jails are under significant capacity pressures. In early 2007, Dallas was forced to release 700 people from its county jail in order to comply with an order from the Jail Standards Commission. Harris County is proposing a \$300 million county bond issuance for the construction of a new jail.

Current law requires police officers to arrest a person for an alleged violation of a Class A or Class B misdemeanor, expending a significant amount of resources.

H.B. 2391 authorizes a peace officer to issue a citation to a person who has allegedly committed a violation of certain Class A or Class B misdemeanor offenses and under certain circumstances.

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 Article 14.06, Code of Criminal Procedure, by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Makes a conforming change.

(c) Authorizes a peace officer who is charging a person with committing an offense that is a Class A or B misdemeanor, if the person resides in the county where the offense occurred, to issue a citation to the person that contains certain information, instead of taking the person before a magistrate.

(d) Provides that Subsection (c) applies only to a person charged with committing certain offenses as set forth in this subsection.

SECTION 2. Amends Article 15.17, Code of Criminal Procedure, by adding Subsection (g), as follows:

(g) Requires the magistrate before whom a person is required to appear, if a person is charged with an offense punishable as a misdemeanor appears before a magistrate in compliance with a citation issued under Article 14.06(b) or (c), to perform the duties imposed by this article in the same manner as if the person has been arrested and brought before the magistrate by a peace officer. Authorizes the magistrate, after the magistrate performs the duties imposed by this article, except for good cause shown, to release the person on personal bond. Requires the magistrate, if a person who was issued a citation under Article 14.06(c) fails to appear as required by that citation, to issue a warrant for the arrest of the accused.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.