

BILL ANALYSIS

Senate Research Center
84R22039 ADM-F

C.S.S.B. 873
By: Rodríguez
Criminal Justice
4/15/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A *capias pro fine* warrant is a post-adjudication warrant issued for people who have failed to pay fines and court costs. Unlike other warrants, a *capias pro fine* requires the arresting officer to take the defendant specifically to the issuing court for a hearing. If the court finds the defendant is indigent, the court can waive the fines and court costs and prevent the jailing of indigent defendants. However, the judge is often not available to see the defendant within a reasonable length of time, being occupied with another proceeding or away from the courthouse. The officer is then left to decide whether to release the defendant, wait until the judge is available, or jail the defendant. Releasing the defendant defeats the purpose of the warrant, while waiting for the judge or jailing the defendant are costly alternatives.

S.B. 873 amends Article 43.05, Code of Criminal Procedure, to allow peace officers to take defendants to another court in the same jurisdiction, if available, as an alternative to putting them in jail. This change would prevent the unnecessary jailing of defendants when other courts are available to conduct the hearing. S.B. 873 will permit local governments to manage their jail costs, avoid the inefficient use of peace officers' time, and prevent the inappropriate jailing of indigent defendants. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 873 amends current law relating to the courts authorized to hear certain matters relating to a *capias pro fine*.

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 43.05(b), Code of Criminal Procedure, to authorize a peace officer, instead of placing the defendant in jail as authorized by this subsection, to bring the defendant before another court that is in the same territorial jurisdiction as, and that has concurrent jurisdiction with, the court that issued the *capias pro fine*.

SECTION 2. Amends Article 45.045, Code of Criminal Procedure, by adding Subsection (a-1), to authorize a peace officer, instead of placing a defendant in jail as authorized by Subsection (a) (authorizing the court to order a *capias pro fine* issued for the defendant's arrest under certain circumstances), to bring the defendant before another court that is in the same county as, and that has concurrent jurisdiction with, the court that issued the *capias pro fine*.

SECTION 3. Amends Article 45.046, Code of Criminal Procedure, by adding Subsection (d), to authorize another court that is in the same county as, and that has concurrent jurisdiction with, the court that entered the judgment and sentence, for purposes of a hearing described by Subsection (a) (authorizing the judge to order the defendant confined in jail until discharged by law under certain circumstances), to conduct the hearing, if the defendant cannot be immediately brought before the court that entered the judgment and sentence against the defendant.

SECTION 4. Effective date: September 1, 2015.