

By: Buckingham

S.B. No. 630

A BILL TO BE ENTITLED

AN ACT

relating to documentation regarding an arrest of a person without a warrant.

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

SECTION 1. Chapter 14, Code of Criminal Procedure, is amended by adding Article 14.052 to read as follows:

Art. 14.052. AFFIDAVIT REQUIRED AFTER ARREST WITHOUT WARRANT. (a) A peace officer who arrests a person without a warrant shall, as soon as practicable but before the person is taken before a magistrate as provided by Article 14.06:

(1) prepare an affidavit containing a statement of the probable cause for the arrest; and

(2) either:

(A) file the affidavit with the magistrate before whom the defendant is to be taken; or

(B) give the affidavit to the officer to whom custody of the person is transferred.

(b) The affidavit must be:

(1) in writing; or

(2) provided orally to the applicable magistrate and recorded.

SECTION 2. Article 17.033(a), Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Subsection (c), a person who is

1 arrested without a warrant and who is detained in jail must be  
2 released on bond, in an amount not to exceed \$5,000, not later than  
3 the 24th hour after the person's arrest if the person was arrested  
4 for a misdemeanor and a magistrate has not determined whether  
5 probable cause exists to believe that the person committed the  
6 offense or an affidavit meeting the requirements of Article 14.052  
7 has not been filed with the court. If the person is unable to obtain  
8 a surety for the bond or unable to deposit money in the amount of the  
9 bond, the person must be released on personal bond.

10 SECTION 3. The change in law made by this Act applies only  
11 to a person who is arrested on or after the effective date of this  
12 Act. A person arrested before the effective date of this Act is  
13 governed by the law in effect on the date the person was arrested,  
14 and the former law is continued in effect for that purpose.

15 SECTION 4. This Act takes effect September 1, 2017.