

BILL ANALYSIS

Senate Research Center
82R7056 NAJ-D

H.B. 1173
By: Riddle (Huffman)
Criminal Justice
5/13/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1173 amends Article 17.033(a), Code of Criminal Procedure, to allow counties with a population of three million or more to hold a person arrested without a warrant for 36 hours, rather than the current 24 hours, before having to be released on bond.

Current statutory time constraints are having a limiting effect on investigations and officials are often unable to conduct initial hearings within the current time allotment, resulting in the need to seek extensions on a high number of cases.

H.B. 1173 will assist with the administrative process and allow thorough and improved initial determinations to be made rather than rushing with an initial investigation that must be conducted within 24 hours.

H.B. 1173 amends current law relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties.

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 17.033(a), Code of Criminal Procedure, as follows:

(a) Requires a person who is arrested without a warrant and who is detained in jail to be released on bond, except as provided by Subsection (c) (relating to postponing the release of a person for not more than 72 hours after the person's arrest on application filed by the attorney representing the state), in an amount not to exceed \$5,000, not later than the 24th hour after the person's arrest, or the 36th hour after the person's arrest in a county with a population of three million or more, if the person was arrested for a misdemeanor and a magistrate has not determined whether probable cause exists to believe that the person committed the offense.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.