

BILL ANALYSIS

Senate Research Center

S.B. 1597
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Criminal Justice
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DIGEST AND PURPOSE

Current Texas law does not prohibit police officers from arresting a person for a misdemeanors that are punishable by fine only and which does not include jail time. As proposed, S.B. 1597 restricts police officers from being able to take offenders to jail for a misdemeanor offense that does not include jail time as part of the punishment.

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. 534.004. New heading: NOTICE TO APPEAR REQUIRED. (a) Provides that Subsection (c) is an exception to the mandatory issuance of a written notice to appear as provided by Section 543.003 and requires an officer under certain circumstances to write a notice for individual's appearance.

(b) No change in this section.

(c) Provides that Subsection (a) does not require an officer to issue a written notice to appear if the arresting officer fails to meet certain requirements. Deletes text providing that the offenses specified by Subsection (a) are the only offenses for which notice to appear is mandatory.

SECTION 2. Amends Article 14.06, Code of Criminal Procedure, as follows:

(a) Makes conforming changes.

(b) Authorizes a peace officer who is charging a person, including a child, with committing an offense that is a Class C misdemeanor, other than an offense under Section 49.02 (Public Intoxication), Penal Code, or a traffic offense, to, instead of taking the person before a magistrate, 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.

(c) Requires 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 49.031 (Possession of Alcoholic Beverage in Motor Vehicle), Penal Code, to, instead of taking the person before a magistrate, 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 if the person displays certain licenses, permits, or identifications.

(d) Provides that Subsection (c) applies only as provided by Chapter 703 (Non-Resident Violator Compact of 1977), Transportation Code, if a person charged as described by

Subsection (c) is a resident of or is operating a vehicle licensed in a state or country other than this state.

(e) Provides that Subsection (c) does not require a peace officer to issue a citation under certain circumstances.

SECTION 3. (a) Effective date: September 1, 2003.

(b) and (c). Make application of this Act prospective.