

BILL ANALYSIS

Senate Research Center
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S.B. 482
By: Nelson
Criminal Justice
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As Filed

DIGEST

Currently, Article 17.291, Code of Criminal Procedure, prohibits a person arrested for a family violence matters from being detained for more than 24 hours. The current length of detention may not be adequate to permit a victim of family violence to seek a safe and secure environment. S.B. 482 amends Article 17.291 to extend the detention of a person arrested for family violence an additional 24 hours.

PURPOSE

As proposed, S.B. 482 extends the detention of a person arrested for family violence an additional 24 hours.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 17.291(b), Code of Criminal Procedure, to authorize detention of a person arrested or held without a warrant in the prevention of family violence to be held for an additional period not to exceed 48 hours, if permitted by the magistrate. Authorizes the detention only if the magistrate concludes the violence would continue and, if the additional period exceeds 24 hours, there is probable cause to believe that the person committed an offense. Deletes a prohibition against a detention exceeding 24 hours.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.