

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1597
By: Hinojosa
Criminal Justice
4/28/2003
Committee Report (Substituted)

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. C.S.S.B. 1597 requires each law enforcement agency to establish a written policy regarding the arrest of persons without a warrant for committing certain offenses.

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 Chapter 14, Code of Criminal Procedure, by adding Article 14.07, as follows:

Art. 14.07. LAW ENFORCEMENT AGENCY POLICIES ON ARRESTS WITHOUT WARRANT. (a) Requires each law enforcement agency in this state to adopt a detailed written policy relating to the arrest of persons without a warrant for misdemeanor offenses, including traffic offenses, that are punishable by fine only.

(b) Requires the policy adopted by the law enforcement agency to meet certain standards.

(c) Provides that an arrest made in violation of a policy adopted under Subsection (a) does not create an exception, defense, or affirmative defense under Chapter 2, (Burden of Proof), Penal Code, to the offense for which the person was arrested.

SECTION 2. Requires a law enforcement agency required by Article 14.07, Code of Criminal Procedure, as added by this Act, to adopt an arrest policy, to adopt the policy by January 1, 2004.

SECTION 3. Effective date: September 1, 2003.