

BILL ANALYSIS

Senate Research Center
81R3071 SJM-D

H.B. 1060
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When an arrest warrant is issued in one county, law enforcement officers in other counties have the ability to view the warrant information. However, to make an arrest of a person outside of the county in which a warrant is issued for that person's arrest, law enforcement officials in one county must transfer the warrant information to the law enforcement officials in the county where the arrest will be made. The means of transferring warrants for this purpose are provided for in Articles 15.08 and 15.09 of the Code of Criminal Procedure. Articles 15.08 and 15.09 of the Code of Criminal Procedure require that an arrest warrant be forwarded by telegraph. While this was the most modern and efficient technology when the statute was originally drafted, there are now more efficient methods for forwarding these documents.

H.B. 1060 amends the Code of Criminal Procedure to expand the methods by which complaints or warrants may be transferred to include secure facsimile transmission or other secure electronic means.

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 Articles 15.08 and 15.09, Code of Criminal Procedure, as follows:

Art. 15.08. New heading: WARRANT MAY BE FORWARDED. Authorizes a warrant of arrest to be forwarded by any method that ensures the transmission of a duplicate of the original warrant, including secure facsimile transmission or other secure electronic means or a telegraph transmission from any telegraph office to another in this state. Requires the peace officer receiving the warrant, if issued by any other magistrate than is named in Article 15.06 (Warrant Extends to Every Part of the State), to proceed with it to the nearest magistrate of the peace officer's county, who is required to endorse thereon, in substance, certain words. Makes nonsubstantive changes.

Art. 15.09. New heading: COMPLAINT MAY BE FORWARDED. Authorizes a complaint in accordance with Article 15.05 (Requisites of Complaint) to be forwarded, rather than telegraphed, as provided by Article 15.08, rather than as provided in the preceding Article, to any magistrate in the State; and requires the magistrate who receives the same to forthwith issue a warrant of the arrest of the accused; and require that the accused, when arrested, be dealt with as provided in this chapter in similar cases.

SECTION 2. Amends Article 15.19(a), Code of Criminal Procedure, as follows:

(a) Requires the arrested person, if that person fails or refuses to give bail, as provided in Article 15.18 (Arrest for Out-of-County Offense), to be committed to the jail of the county where the person was arrested; and requires the magistrate committing the arrested person to immediately provide notice to the sheriff of the county in which the offense is alleged to have been committed regarding the arrest and commitment, which notice is authorized to be given by telegraph, mail, or other written means or by secure facsimile transmission or other secure electronic means.

SECTION 3. Effective date: September 1, 2009