

BILL ANALYSIS

Senate Research Center
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S.B. 604
By: Rodriguez
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the only individuals authorized to serve or execute subpoenas, attachments, and warrants are peace officers. On occasion, it is necessary to serve or execute various types of process, writs, subpoenas, and attachments on individuals confined to a detention facility. For example, an inmate may be detained in jail when additional charges are brought against him or her. In such situations, the common practice is for a new warrant to be issued, which must be served on the inmate with its own bond set for the new, alleged offense. Presently, only deputies may execute these warrants. When service is required, it is necessary to call a deputy in from the field (or his or her area of patrol or primary duty) to perform the ministerial duty of serving or delivering the warrant on the inmate.

S.B. 604 would allow a jailer licensed under Chapter 1701 (Law Enforcement Officers), Occupations Code, to execute lawful process issued to the jailer by any magistrate or court on a person confined in the jail at which the jailer is employed. Under S.B. 604, the jailer would be allowed to execute process to the same extent that a peace officer is currently authorized under Article 2.13(b)(2) (relating to executing all lawful process issued by any magistrate or court), Code of Criminal Procedure.

As proposed, S.B. 604 amends current law relating to the execution of lawful process by county jailers.

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 2, Code of Criminal Procedure, by adding Article 2.31, as follows:

Art. 2.31. COUNTY JAILERS. Authorizes a jailer licensed under Chapter 1701 (Law Enforcement Officers), Occupations Code, to execute lawful process issued to the jailer by any magistrate or court on a person confined in the jail at which the jailer is employed to the same extent that a peace officer is authorized to execute process under Article 2.13(b)(2) (relating to requiring the officer to execute all lawful process issued to the officer by any magistrate or court), including:

- (1) a warrant under Chapter 15 (Arrest Under Warrant), 17 (Bail), or 18 (Search Warrants);
- (2) a capias under Chapter 17 or 23 (The Capias);
- (3) a subpoena under Chapter 20 (Duties and Powers of the Grand Jury) or 24 (Subpoena and Attachment); or
- (4) an attachment under Chapter 20 or 24.

SECTION 2. Effective date: September 1, 2011.