

BILL ANALYSIS

Senate Research Center
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H.B. 1177
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Article 15.21, Code of Criminal Procedure, allows a person arrested on a warrant issued in another county to be released on the 11th day if the issuing agency has failed to take custody of the arrested person. Following release, the agency that issued the warrant is not required to gather any additional information on the arrested person.

As the law currently stands, arresting counties are forced to release known criminals and are incapable of enforcing any punitive action if the issuing county does not act upon the warrant within 10 days.

H.B. 1177 establishes a means by which the county where the person was arrested may augment the incentive for the arrested person to address the pending warrant in the issuing county. This is accomplished by allowing the arresting county to affix a personal bond to the arrested person.

Key Provisions:

- H.B. 1177 modifies Article 15.21 directing the magistrate to change the arrested person's cash or surety bond to a personal bond and the arrested person is then released on the 11th day if the issuing agency has not taken custody.
- The magistrate would then be required to forward the personal bond information to the agency issuing the warrant.
- This change would require a magistrate release the detainee, not jail personnel, and the bond information on the arrested person would be forwarded to the issuing agency for future action.
- Class C warrants must be released under 17.151 in five days if they cannot post bond and are not being held for other offenses. Additionally, there is no state-wide database of such low level offenses so H.B. 1177 would be inapplicable.

H.B. 1177 amends current law relating to the release on personal bond of a person arrested for an out-of-county offense under certain circumstances.

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 Article 15.21, Code of Criminal Procedure, as follows:

Art. 15.21. New heading: **RELEASE ON PERSONAL BOND IF NOT TIMELY DEMANDED**. Requires a magistrate in the county where a certain person was arrested, if the proper office of a certain county does not demand an arrested person described by Article 15.19 (Notice of Arrest) and take charge of the arrested person before a certain date, to:

(1) release the arrested person on personal bond without sureties or other security;
and

(2) forward the personal bond to the sheriff of the county where the offense is
alleged to have been committed or the court that issued the warrant of arrest.

Deletes existing text requiring the arrested person to be discharged from custody, if the
proper office of a certain county does not demand the arrested person and take charge of
the arrested person before a certain date.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.