

AN ACT

relating to the courts authorized to hear certain matters relating to a *capias pro fine*.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 43.05, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) If the court that issued the *capias pro fine* is unavailable, the arresting officer may, in lieu of placing the defendant in jail, take the defendant to:

(1) another court in the same county with jurisdiction over Class A and Class B misdemeanors or a county criminal law magistrate court in the same county, if the court that issued the *capias pro fine* was a county court or a statutory county court with Class A and Class B misdemeanor jurisdiction; or

(2) another court in the same county with jurisdiction over felony cases or a county criminal law magistrate court in the same county, if the court that issued the *capias pro fine* was a district court with felony jurisdiction.

SECTION 2. Article 45.045, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the court that issued the *capias pro fine* is unavailable, the arresting officer may, in lieu of placing the defendant in jail, take the defendant to:

(1) a justice of the peace court or county criminal law

1 magistrate court with jurisdiction over Class C misdemeanors that  
2 is located in the same county, if the court that issued the capias  
3 pro fine was a justice of the peace court; or

4 (2) a municipal court that is located in the same  
5 municipality, if the court that issued the capias pro fine was a  
6 municipal court.

7 SECTION 3. Article 45.046, Code of Criminal Procedure, is  
8 amended by adding Subsection (d) to read as follows:

9 (d) For purposes of a hearing described by Subsection (a),  
10 if the court that issued the capias pro fine is unavailable, the  
11 following judicial officers may conduct the hearing:

12 (1) a justice of the peace or county criminal law  
13 magistrate with jurisdiction over Class C misdemeanors who is  
14 located in the same county as the issuing court, if the issuing  
15 court was a justice of the peace court; or

16 (2) a municipal court judge who is located in the same  
17 municipality as the issuing court, if the issuing court was a  
18 municipal court.

19 SECTION 4. This Act takes effect September 1, 2015.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 873 passed the Senate on April 23, 2015, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 28, 2015, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

I hereby certify that S.B. No. 873 passed the House, with amendment, on May 22, 2015, by the following vote: Yeas 140, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor