

CHAPTER 1271

H.B. No. 1125

AN ACT

relating to the rights of an accused person in and the written waiver of extradition proceedings.

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

SECTION 1. Section 10, Article 51.13, Code of Criminal Procedure, is amended to read as follows:

Sec. 10. RIGHTS OF ACCUSED PERSON; APPLICATION FOR WRIT OF HABEAS CORPUS. (a) No person arrested upon such warrant shall be delivered over to the agent whom the Executive Authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this State, or before a justice of the peace serving a precinct that is located in a county bordering another state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of the ~~[such]~~ court of record shall fix a reasonable time to be allowed the prisoner in ~~[him within]~~ which to apply for a writ of habeas corpus, or the justice of the peace shall direct the prisoner to a court of record for purposes of obtaining such a writ. When the ~~[such a]~~ writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in

1 custody, and to the said agent of the demanding State.

2 (b) Before a justice of the peace who is not an attorney may
3 perform a duty or function permitted by Subsection (a), the justice
4 must take, through the Texas Justice Court Training Center, a
5 training course that focuses on extradition law. The center shall
6 develop a course to satisfy the requirements of this subsection.

7 (c) Each justice of the peace who performs a duty or
8 function permitted by Subsection (a) shall ensure that the
9 applicable proceeding is transcribed or videotaped and that the
10 record of the proceeding is retained in the records of the court for
11 at least 270 days.

12 SECTION 2. Section 25a, Article 51.13, Code of Criminal
13 Procedure, is amended to read as follows:

14 Sec. 25a. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS. (a)
15 Any person arrested in this State charged with having committed any
16 crime in another State or alleged to have escaped from confinement,
17 or broken the terms of his bail, probation, or parole may waive the
18 issuance and service of the warrant provided for in Sections 7 and 8
19 and all other procedure incidental to extradition proceedings, by
20 executing or subscribing in the presence of a judge or any court of
21 record within this State, or in the presence of a justice of the
22 peace serving a precinct that is located in a county bordering
23 another state, a writing which states that the arrested person [~~he~~]
24 consents to return to the demanding State; provided, however, that
25 before such waiver shall be executed or subscribed by such person
26 the [~~it shall be the duty of such~~] judge or justice of the peace
27 shall [~~to~~] inform such person of his:

1 (1) right [~~rights~~] to the issuance and service of a
2 warrant of extradition; and

3 (2) right to obtain a writ of habeas corpus as provided
4 for in Section 10.

5 If and when such consent has been duly executed it shall
6 forthwith be forwarded to the office of the Governor of this State
7 and filed therein. The judge or justice of the peace shall direct
8 the officer having such person in custody to deliver forthwith such
9 person to the duly accredited agent or agents of the demanding
10 State, and shall deliver or cause to be delivered to such agent or
11 agents a copy of such consent; provided, however, that nothing in
12 this section shall be deemed to limit the rights of the accused
13 person to return voluntarily and without formality to the demanding
14 State, nor shall this waiver procedure be deemed to be an exclusive
15 procedure or to limit the powers, rights or duties of the officers
16 of the demanding State or of this State.

17 (b) Before a justice of the peace who is not an attorney may
18 perform a duty or function permitted by Subsection (a), the justice
19 must take, through the Texas Justice Court Training Center, a
20 training course that focuses on extradition law. The center shall
21 develop a course to satisfy the requirements of this subsection.

22 (c) Each justice of the peace who performs a duty or
23 function permitted by Subsection (a) shall ensure that the
24 applicable proceeding is transcribed or videotaped and that the
25 record of the proceeding is retained in the records of the court for
26 at least 270 days.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.

David Newkum
President of the Senate

Joe Straus
Speaker of the House

I certify that H.B. No. 1125 was passed by the House on May 10, 2013, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1125 on May 24, 2013, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1125 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

APPROVED: 14 JUNE '13

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10pm O'CLOCK

JUN 14 2013

[Signature]
Secretary of State