

Out-of-County Warrant Statutes

§15.18 Code of Criminal Procedure

Magistrate in the county of arrest or if more expeditious in any county including the issuing county. If the person requests the appointment of counsel you must transmit the request to the issuing county within 24 hours.

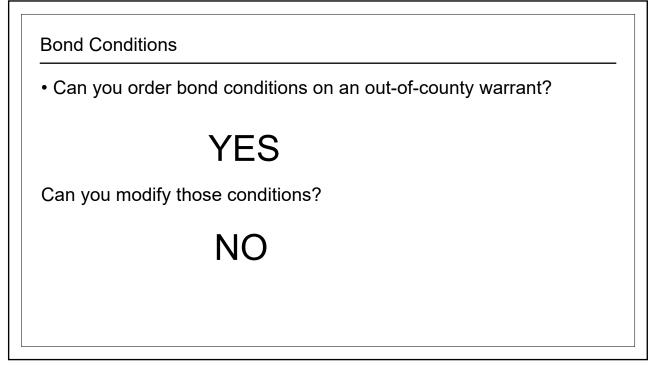
Take bail if allowed by law and send it to the issuing authority.

Out-of-County fine only misdemeanors are treated the same as in-county fine only misdemeanors. Then transmit by the 11th day after the magistration send the written plea, any orders, and any fine collected to the court with jurisdiction.

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Out-of-County Warrant Statutes

- §1.051 Code of Criminal Procedure
- The county that issued the warrant is responsible for appointing an indigent defendant counsel.



Bond Conditions

Open Discussion

What can you do during or before magistration?

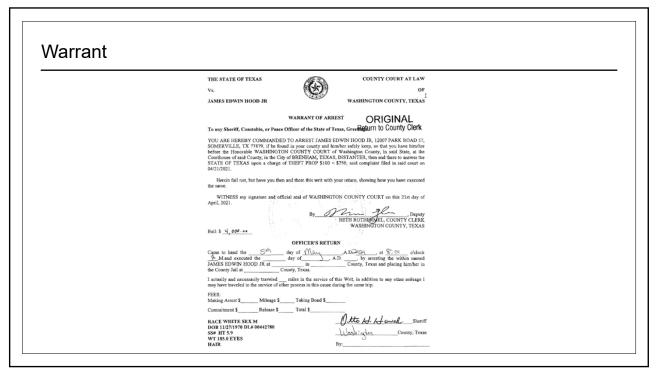
What can you do when issuing a warrant?

What can you do after magistration?

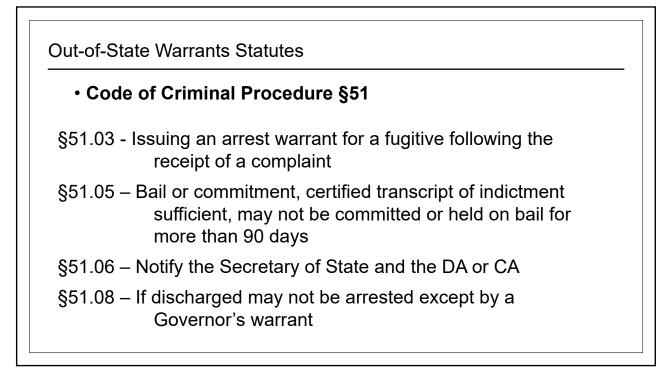
Best Practices

Teletype vs. Warrant

)	
Apr 9, 2022 5:53:46 PM	Printed By: DWR1523 from: HPSZ
	17:53:03 04-09-22 Source ORI: TX2390000 YR: RTY-WP NAM-HOOD, JAMES EDWIN JR MM22-0028-J2
TO: (TX2370000 - WALL),BMSZ.TXT HINGTON COUNTY SO JAIL PICKET; BRENHAM) JER COUNTY SO COMMUNICATIONS; HEMPSTEAD NO COUNTY SO JAIL PICKET; BRENHAM)
THE RECORD BELOW: IS C	CONFIRMED
OCA/2021-0251.NIC/W743	3654480.
WANTED PERSON	TR DOD (10701107 DDV (4
NAME OF CONFIRMER: OBE CONFIRMING AGENCY: TX2 PHONE: (979)277-6255. REMARKS: REF:HOOD, JANE ABOVE SUBJECT HAS A WA ORIGINAL OFFENSE THEFT ERIC BERG WARRANT SIGNED 04/13/2 WE WILL EXTRADITE INST	SERHOFF, TAMMY. 3390000. SE EDWIN JR W/M DOB:11/27/1970 ARRANT OUT OF OUR AGENCY/WARRANT#2021-0251 T FROP \$100<\$750 BOND SET AT NO BOND PER COUNTY COURT JUDGE 2021 AND CAME TO HAND 05/05/2021/WARRANT IS CONFIRMED PATE PICKUP ONLY 15 AT 09APR2022 17:53:03



 Two types of out-of-state warrants 		
UCEA	ICAOS	
Uniform Criminal Extradition Act	Interstate Compact for Adult Offender Supervision	
For individuals awaiting trial		
	For individuals on probation and parole	



Out-of-State Warrants

• Process of magistrating out-of-state warrants under UCEA.

Process for Magistration of Out-of-State Warrants

• 1. Review complaint and other state's warrant or indictment.

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Out-of-State Complaint

- Requirements
 - 1. The name of the person accused;
 - 2. The State from which he has fled;
 - 3. The offense committed by the accused;
 - 4. That he has fled to this State from the State where the offense was committed; and
 - 5. That the act alleged to have been committed by the accused is a violation of the penal law of the State from which he fled.

Out-of-State Complaint			
Review the	complaint filed from	your local agency	
Ensure you from the sist	•	y of the complaint c	or indictment
	warrant and affidavi ent from the sister st	it in support of the w ate.	varrant or

- 1. Review complaint and other state's warrant or indictment.
- 2. Issue warrant.

Out-of-State Fugitive Warrant

If probable cause of all the required elements of the complaint are established issue a fugitive from justice warrant for the accused.

This SHALL issue at this point.

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- 1. Review complaint and other state's warrant or indictment.
- 2. Issue warrant.
- 3. Hearing / Waiver of Extradition*

Extradition Hearings			
• Multiple Justice Country of the	Andrews	Grayson	Oldham
Which Justice Courts can	Bailey	Hansford	Orange
conduct extradition hearings?	Bowie	Hardeman	Panola
	Cass	Harrison	Parmer
1.Only a JP in a county that borders another state.	Childress	Hartley	Red River
	Clay	Hemphill	Reeves
	Cochran	Hudspeth	Sabine
	Collingsworth	Jefferson	Shelby
.Must either be an attorney or	Culberson	Lamar	Sherman
have completed the required	Dallam	Lipscomb	Wheeler
training.	Deaf Smith	Loving	Wichita
training.	El Paso	Marion	Wilbarger
	Fannin	Montague	Winkler
	Gaines	Newton	Yoakum
		Ochiltree	

- 1. Review complaint and other state's warrant or indictment.
- 2. Issue warrant.
- 3. Hearing / Waiver of Extradition*
- 4. Bail / Commitment decision

Out-of-State Bail / Commitment Decision

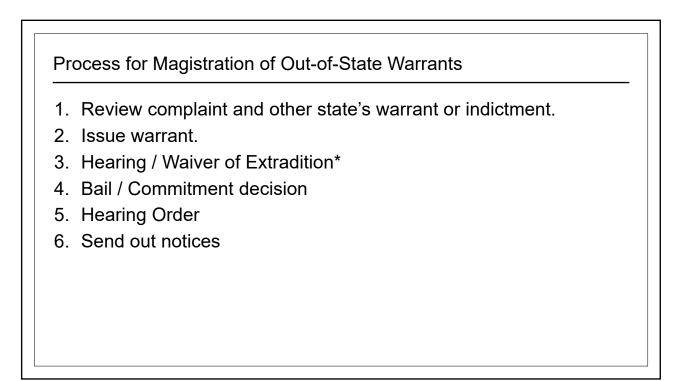
The person must be committed to the county jail for a specified time.

The magistrate may set bail to secure the person's release instead of commitment. ONLY, if the crime is not punishable by life in prison or the death penalty in the sister state.

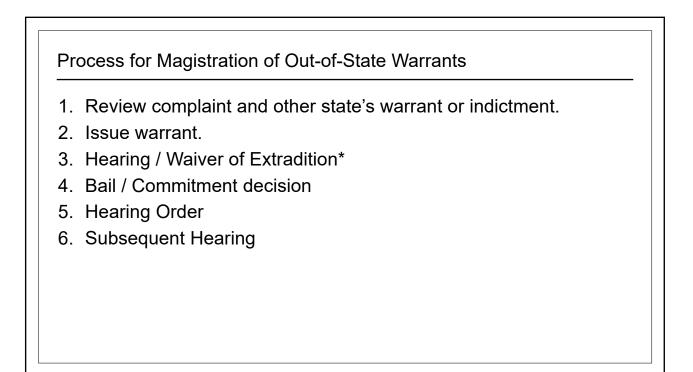
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- 1. Review complaint and other state's warrant or indictment.
- 2. Issue warrant.
- 3. Hearing / Waiver of Extradition*
- 4. Bail / Commitment decision
- 5. Hearing Order

If the accused is released on bail.	CAUSE NO.
Set a subsequent bearing in <20	STATE OF TEXAS § IN THE JUSTICE COURT §
Set a subsequent hearing in <30	v. § PRECINCT
days.	DEFENDANT §COUNTY, TEXAS
	FUGITIVE FROM JUSTICE INITIAL HEARING ORDER
	This case was called for a hearing on, 20, Based on the evidence presented at the hearing, the court FINDS:
	Probable cause does not exist that Defendant is the person that is the subject of the Fugitive from Justice Warrant. No bond is necessary, and Defendant is DISCHARGED.
If you commit the ecoured to joil oct	 Probable cause does exist that Defendant is the person that is the subject of the Fugitive from Justice Warrant.
If you commit the accused to jail set	Trom Justice Warrant. The alleged offense is not punishable by death or by life in prison. Bond is set at
the time of confinement, not more	conditioned that Defendant must appear atm. on, 20 at
,	
than 30 days.	result in bond forfeiture as well as the immediate re-arrest of Defendant.
	Defendant is ordered committed to the jail of County until, 20 (no more than 30 days from hearing date).
	ISSUED AND SIGNED on, 20,
There is a form on the TJCTC	JUSTICE OF THE PEACE, PRECINCT
There is a form on the TJCTC	COUNTY, TEXAS
website.	



URT
COUNTY, TEXAS
ECUTOR
arrant.
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	CAUSE NO.
At this hearing if the Governor's Warrant has not issued you may either recommit the offender of discharge them.	STATE OF TEXAS IN THE JUSTICE COURT V. OFFENDANT DEFENDANT DE
f they are discharged they may never be arrested for that charge in Texas again.	Beendant is recommitted until, 20 (<i>no more than 60 days from hearing date</i>). The alleged offense is not punishable by death or by life in prison. Bond is set at S

Out-of-State Warrant

• Process of magistrating out-of-state warrants under ICAOS.

ICAOS warrant procedure

- 1. Probable Cause hearing
- 2. Summary of hearing sent to "sending" state
- 3. Determination of probable cause or no probable cause.
- 4. Bail is not allowed unless specifically authorized by the "sending" state.
- 5. Extradition is automatically waived.
- 6. Offender goes back to "sending" state.

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ICAOS warrant procedure

- This was a very broad overview of these warrants.
- ICAOS Rule Book and Bench Book should be reviewed.
- Rule Book interstatecompact.org/icaos-rules
- Bench Book <u>interstatecompact.org/bench-book</u>