

# Out-of-County & Out-of-State Warrants

Judge J.R. Woolley

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Funded by Grants from the Texas Court of Criminal Appeals

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## Out-of-County Warrant Statutes

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### §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 11<sup>th</sup> 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

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

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## Bond Conditions

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- Can you order bond conditions on an out-of-county warrant?

**YES**

Can you modify those conditions?

**NO**

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## Bond Conditions

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- **Open Discussion**

What can you do during or before magistration?

What can you do when issuing a warrant?

What can you do after magistration?

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## Best Practices

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- Teletype vs. Warrant

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## Teletype

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Apr 9 2022 5:53:46 PM

Printed By: DWR1523 from: HPSZ

Received Time: 17:53:03 04-09-22 Source ORI: TX2390000

Summary: YR: RTY-WP NAM=HOOD,JAMES EDWIN JR

View Message Details

MM22-0028-J2

YR.TX2390000.TX2370000.BMSZ.TXT

FROM: (TX2390000 - WASHINGTON COUNTY SO JAIL PICKET; BRENHAM)

TO: (TX2370000 - WALLER COUNTY SO COMMUNICATIONS; HEMPSTEAD

BMSZ - WASHINGTON COUNTY SO JAIL PICKET; BRENHAM )

\*\*\*\*HIT CONFIRMATION RESPONSE\*\*\*\*

THE RECORD BELOW: IS CONFIRMED

OCA/2021-0251.NIC/W743654480.

\*\*WANTED PERSON\*\*

NAM/HOOD,JAMES EDWIN JR.DOB/19701127.SEX/M.

NAME OF CONFIRMER: OBERHOFF, TAMMY.

CONFIRMING AGENCY: TX2390000.

PHONE: (979)277-6255.

REMARKS: REF:HOOD,JAMES EDWIN JR W/M DOB:11/27/1970

ABOVE SUBJECT HAS A WARRANT OUT OF OUR AGENCY/WARRANT#2021-0251

ORIGINAL OFFENSE THEFT PROP \$100<\$750 BOND SET AT NO BOND PER COUNTY COURT JUDGE

ERIC BERG

WARRANT SIGNED 04/13/2021 AND CAME TO HAND 05/05/2021/WARRANT IS CONFIRMED

WE WILL EXTRADITE INSTATE PICKUP ONLY

MRI: 45822651 IN: BMSZ 15 AT 09APR2022 17:53:03

OUT: HPSZ 261 AT 09APR2022 17:53:03

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# Warrant

THE STATE OF TEXAS COUNTY COURT AT LAW  
Vs. OF  
JAMES EDWIN HOOD JR. WASHINGTON COUNTY, TEXAS



WARRANT OF ARREST ORIGINAL  
Return to County Clerk

To any Sheriff, Constable, or Peace Officer of the State of Texas, Green  
YOU ARE HEREBY COMMANDED TO ARREST JAMES EDWIN HOOD JR, 12007 PARK ROAD 57, SOMERVILLE, TX 77879, if he found in your county and him/her safely keep, so that you have him/her before the Honorable WASHINGTON COUNTY COURT of Washington County, in said State, at the Courthouse of said County, in the City of BRENHAM, TEXAS, INSTANTER, then and there to answer the STATE OF TEXAS upon a charge of THEFT PROP \$100 < \$750, said complaint filed in said court on 04/21/2021.

Herein fail not, but have you then and there this writ with your return, showing how you have executed the same.

WITNESS my signature and official seal of WASHINGTON COUNTY COURT on this 21st day of April, 2021.

By *Beth Rothermel*, Deputy  
BETH ROTHERMEL, COUNTY CLERK  
WASHINGTON COUNTY, TEXAS

Bail: \$ 4,000.00

### OFFICER'S RETURN

Came to hand the *5th* day of *May*, A.D. *2021*, at *8:00* o'clock  
I, *Mand* executed the *5th* day of *May*, A.D. *2021*, by arresting the within named  
JAMES EDWIN HOOD JR at \_\_\_\_\_ in \_\_\_\_\_ County, Texas and placing him/her in  
the County Jail at \_\_\_\_\_ County, Texas.

I actually and necessarily traveled \_\_\_\_\_ miles in the service of this Writ, in addition to any other mileage I may have traveled in the service of other process in this cause during the same trip.

FEES:  
Making Arrest \$ \_\_\_\_\_ Mileage \$ \_\_\_\_\_ Taking Bond \$ \_\_\_\_\_  
Commitment \$ \_\_\_\_\_ Release \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

RACE WHITE SEX M  
DOB 11/27/1970 DL# 00442780  
SS# HT 5.9  
WT 185.0 EYES  
HAIR

*Otto H. Hancock* Sheriff  
*Washington* County, Texas  
By: \_\_\_\_\_

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# Out-of-State Warrants

## • Two types of out-of-state warrants

### UCEA

Uniform Criminal Extradition Act

For individuals awaiting trial

### ICAOS

Interstate Compact for Adult  
Offender Supervision

For individuals on probation  
and parole

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## Out-of-State Warrants Statutes

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- **Code of Criminal Procedure §51**

§51.03 - Issuing an arrest warrant for a fugitive following the receipt of a complaint

§51.05 – Bail or commitment, certified transcript of indictment sufficient, may not be committed or held on bail for more than 90 days

§51.06 – Notify the Secretary of State and the DA or CA

§51.08 – If discharged may not be arrested except by a Governor's warrant

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## Out-of-State Warrants

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

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## Process for Magistration of Out-of-State Warrants

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

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## Out-of-State Complaint

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- 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.

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## Out-of-State Complaint

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Review the complaint filed from your local agency

Ensure you have a certified copy of the complaint or indictment from the sister state.

Review the warrant and affidavit in support of the warrant or the indictment from the sister state.

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## Process for Magistration of Out-of-State Warrants

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

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## Out-of-State Fugitive Warrant

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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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## Process for Magistration of Out-of-State Warrants

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

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## Extradition Hearings

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- Which Justice Courts can conduct extradition hearings?

1. Only a JP in a county that borders another state.

2. Must either be an attorney or have completed the required training.

Andrews	Grayson	Oldham
Bailey	Hansford	Orange
Bowie	Hardeman	Panola
Cass	Harrison	Parmer
Childress	Hartley	Red River
Clay	Hemphill	Reeves
Cochran	Hudspeth	Sabine
Collingsworth	Jefferson	Shelby
Culberson	Lamar	Sherman
Dallam	Lipscomb	Wheeler
Deaf Smith	Loving	Wichita
El Paso	Marion	Wilbarger
Fannin	Montague	Winkler
Gaines	Newton	Yoakum
	Ochiltree	

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## Process for Magistration of Out-of-State Warrants

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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

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## Out-of-State Bail / Commitment Decision

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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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## Process for Magistration of Out-of-State Warrants

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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

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## Out-of-State Hearing Order

If the accused is released on bail.  
Set a subsequent hearing in <30  
days.

If you commit the accused to jail set  
the time of confinement, not more  
than 30 days.

There is a form on the TJCTC  
website.

CAUSE NO. \_\_\_\_\_

STATE OF TEXAS § IN THE JUSTICE COURT  
§  
v. § PRECINCT \_\_\_\_  
§  
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**.

Probable cause **does** exist that Defendant is the person that is the subject of the Fugitive from Justice Warrant.

The alleged offense is not punishable by death or by life in prison. Bond is set at \$\_\_\_\_\_, conditioned that Defendant must appear at \_\_\_\_\_:\_\_\_\_m. on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, TX and that Defendant must surrender upon issuance of a Governor's warrant. Failure to comply with these conditions will 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\_\_\_\_.

\_\_\_\_\_  
JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_  
\_\_\_\_\_, COUNTY, TEXAS

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## Process for Magistration of Out-of-State Warrants

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
6. Send out notices

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## Out-of-State Notices

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Secretary of State

Your District or County Attorney

Form on TJCTC website

CAUSE NO. \_\_\_\_\_  
STATE OF TEXAS § IN THE JUSTICE COURT  
§  
v. § PRECINCT \_\_\_\_  
§  
DEFENDANT § \_\_\_\_\_ COUNTY, TEXAS

### NOTIFICATION TO SECRETARY OF STATE AND PROSECUTOR OF FUGITIVE FROM JUSTICE

This case was called for a hearing on \_\_\_\_\_, 20\_\_\_\_. Based on the evidence presented at the hearing, the court **FINDS** that probable cause **does** exist that Defendant is the person that is the subject of the Fugitive from Justice Warrant.

Name of Defendant: \_\_\_\_\_  
State Defendant Fled: \_\_\_\_\_  
Crime Charged: \_\_\_\_\_

ISSUED AND SIGNED on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_  
\_\_\_\_\_  
COUNTY, TEXAS

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## Process for Magistration of Out-of-State Warrants

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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
6. Subsequent Hearing

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## Out-of-State Subsequent Hearing

At this hearing if the Governor's Warrant has not issued you may either recommit the offender or discharge them.

If they are discharged they may never be arrested for that charge in Texas again.

CAUSE NO. \_\_\_\_\_

STATE OF TEXAS § IN THE JUSTICE COURT  
v. §  
§ PRECINCT \_\_\_\_  
§  
DEFENDANT § \_\_\_\_\_ COUNTY, TEXAS

**FUGITIVE FROM JUSTICE SUBSEQUENT HEARING ORDER**

This case was called for a hearing on \_\_\_\_\_, 20\_\_\_\_. Based on the evidence presented at the hearing, the court **FINDS** that a Governor's warrant was not issued in the 30-day period following the initial hearing.

Defendant is hereby **DISCHARGED** and relieved of obligation under any bond previously set.

Defendant is recommitted until \_\_\_\_\_, 20\_\_\_\_ (no more than 60 days from hearing date).

The alleged offense is not punishable by death or by life in prison. Bond is set at \$ \_\_\_\_\_, conditioned that Defendant must appear at \_\_\_\_\_:\_\_\_\_\_.m. on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, TX, and that Defendant must surrender upon issuance of a Governor's warrant. Failure to comply with these conditions will result in forfeiture of this bond as well as the immediate re-arrest of Defendant.

Defendant is ordered committed to the jail of \_\_\_\_\_ County until \_\_\_\_\_, 20\_\_\_\_ (no more than 60 days from hearing date).

ISSUED AND SIGNED on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_  
\_\_\_\_\_, COUNTY, TEXAS

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## Out-of-State Warrant

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

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## ICAOS warrant procedure

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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

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- This was a very broad overview of these warrants.
- ICAOS Rule Book and Bench Book should be reviewed.
  - Rule Book - [interstatecompact.org/icaos-rules](http://interstatecompact.org/icaos-rules)
  - Bench Book – [interstatecompact.org/bench-book](http://interstatecompact.org/bench-book)

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