

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

§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.

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Bond Conditions

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

YES

Can you modify those conditions?

NO

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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?

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Best Practices

Teletype vs. Warrant

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Teletype

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
Vs.
JAMES EDWIN HOOD JR

COUNTY COURT AT LAW
OF
WASHINGTON COUNTY, TEXAS

WARRANT OF ARREST
ORIGINAL
Return to County Clerk

To any Sheriff, Constable, or Peace Officer of the State of Texas, Gre

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 BRENTHAM, 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 Rothrock* Deputy
BETH ROTHROCK, COUNTY CLERK
WASHINGTON COUNTY, TEXAS

Bail: \$ 4,000.00

OFFICER'S RETURN

Came to hand the 5th day of March, A.D. 2021, at 5:00 o'clock P.M. and executed the 5th day of March, 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
SSH HT 5'9
WT 185# EYES
HAIR

Otto H. Hensel 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

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

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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.

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Out-of-State Complaint

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

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

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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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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*

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Extradition Hearings

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

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

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

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

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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 – interstatecompact.org/bench-book

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