



Issue:

“Safe Haven” non-arrest policy at municipal courts.

Procedure: Courts would implement a “no arrest” or “safe haven” policy in the courthouse, allowing defendants to approach a court clerk (or attend a walk-in docket) without threat of arrest.

Considerations:

- Some courts have adopted a “safe haven” policy in their municipal courts.
- The amnesty described here is only for Class C misdemeanors, not any other level of crimes. A defendant in municipal court who also has active warrants in other courts would not fall under this “safe haven.”
- This could improve compliance, as defendants who know they will not be arrested will more likely come to court to work out their financial obligations, and a non-zero number of defendants do not appear at all because they fear arrest, even before any warrant issues.
- There is no express statutory permission for this practice. However, a *capias pro fine* directs “any officer of the state” to “bring the arrested person before the court immediately.”¹ Certainly, it seems within the spirit of the order for the defendant to appear before the court voluntarily, without the added expense of arrest and processing.²

Authority:

1. Article 43.015 (2)(B), Code of Criminal Procedure.
2. Particularly in light of the 84th Legislature’s passage of S.B. 873 and S.B. 1139, both of which allow an officer to take a defendant to any court with jurisdiction, rather than to jail. The legislative intent seems to point very distinctly to a preference to bringing a defendant before a judge, rather than in jail.