

WARRANT MYTH BUSTERS

John Morris
Duncanville City Marshal

Warrant Myth Busters

**You can't arrest me, we aren't in
your city.**

MYTH

Art. 45.202. SERVICE OF PROCESS. (a) All process issuing out of a municipal court may be served and shall be served when directed by the court, by a peace officer or marshal of the municipality within which it is situated, under the same rules as are provided by law for the service by sheriffs and constables of process issuing out of the justice court, so far as applicable.

(b) The peace officer or marshal may serve all process issuing out of a municipal court anywhere in the county in which the municipality is situated. If the municipality is situated in more than one county, the peace officer or marshal may serve the process throughout those counties.

Warrant Myth Busters

This is Thanksgiving. You can't arrest me on a Holiday!

MYTH

"Once armed with an arrest warrant, a police officer has the right to execute the warrant by the arrest of the defendant, on any day of the week, at any time of the day or night, not only in a public place but also at or inside the defendant's home." —Texas Law Enforcement Handbook, 2002

Warrant Myth Busters

You can't arrest me, the last time I was in jail, the Judge found me indigent.

MYTH

If you have a valid warrant, you may arrest the defendant, and take them to jail. Just because they were indigent before, they may not be now. Let the Judge decide.

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Warrant Myth Busters

- You can't arrest me for warrants, I'm on my way to Municipal Court for a trial on other tickets.**

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MYTH

Under the Civil Practice and Remedies Code 22.011 a

A witness is privileged from arrest while attending, going to, and returning from court.

A witness must be served a subpoena.

Just going to court does not afford you the privilege of not being arrested.

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Warrant Myth Busters

You can't arrest me at work. I know the law!

MYTH

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-Texas Law Enforcement Handbook, 2002

Warrant Myth Busters

You can't arrest me, I have my kids with me.

MYTH

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*What are you going to do with the kids?
Do you really want to go through the hassle?

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Warrant Myth Busters

You can't come in my house and arrest me!

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MYTH

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(Are you getting tired of seeing this slide?)
Also see Payton v NY or Steagald v US

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Other common Myths

- I got that ticket 8 years ago, the statute of limitations has expired. (Warrants don't expire!)
- It's ok to have a court clerk, or a non-commissioned volunteer serve your class c warrants. (Who's doing this? You must be commissioned to arrest people!)
- Mailing a copy of a warrant is the same as serving the warrant. (Do you really think they are going to drive themselves down to the jail and book themselves in?)
