

BILL ANALYSIS

H.B. 184
By: Dale
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that a court of inquiry may be called when a district judge acting in the judge's capacity as a magistrate has probable cause to believe that an offense has been committed under state law. These parties further note that, historically, few courts of inquiry have convened under this broad authority and that currently all costs incurred in conducting a court of inquiry are borne by the county in which the inquiry is undertaken. The parties note, for example, that Williamson County incurred nearly a half million dollars in legal fees for the recent proceedings involving a judge's conduct when the judge served as a district attorney, which is a state employee, and contend that those costs should be borne by the state. H.B. 184 seeks to require the state to be responsible for the costs associated with such an inquiry.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 184 amends the Code of Criminal Procedure to require the state, in a court of inquiry in which the subject of the inquiry was an employee of the state at the time of the alleged offense, to be responsible for any attorney's fees awarded to governmental employees in the course of the inquiry and to require, with certain exceptions, all costs incurred in conducting such a court of inquiry to be borne by the state. The bill makes the requirement for the county in which a court of inquiry is conducted to pay all costs incurred in conducting the court of inquiry applicable if the subject of the inquiry was not an employee of the state at the time of the alleged offense.

EFFECTIVE DATE

September 1, 2015.