

## **BILL ANALYSIS**

Senate Research Center

H.B. 1291  
By: Solomons (Wentworth)  
Jurisprudence  
5-6-97  
Engrossed

### **DIGEST**

Justice and municipal courts are currently authorized to impose a sanction not consisting of confinement or imprisonment "that is rehabilitative or remedial in nature." Some courts have found that sentencing a person to community service is a punitive sanction that is not rehabilitative or remedial in nature. This bill will change the regulations regarding the jurisdiction of justice and municipal courts.

### **PURPOSE**

As proposed, H.B. 1291 changes the regulations regarding the jurisdiction of justice and municipal courts.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 4.11(a), Code of Criminal Procedure, to require justices of the peace to have original jurisdiction in criminal cases punishable by a sanction not consisting of confinement or imprisonment, as authorized by statute. Deletes a reference to a sanction that is rehabilitative or remedial in nature.

SECTION 2. Amends Article 4.14(c), Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 3. Amends Section 29.003(c), Government Code, to make conforming changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.