

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2592
By: Tillery (West)
Criminal Justice
5-18-97
Committee Report (Substituted)

DIGEST

Currently, Texas law requires a hearing to be held in order for an owner to reclaim stolen property. Because of the backlog and priority for hearings given to more serious offenses, hearings regarding stolen property are rarely held. This bill eliminates the distinction between criminal cases pending trial and stolen property cases.

PURPOSE

As proposed, C.S.H.B. 2592 eliminates the distinction between criminal cases pending trial and stolen property cases.

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 47.02, Code of Criminal Procedure, to authorize any magistrate having jurisdiction in the county in which a criminal action is pending to hold a hearing to determine the right to possession of the property that is subject to Article 6687-7, V.T.C.S., even if a criminal action is pending, upon written consent of the prosecuting attorney.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Deletes proposed SECTION 1. Amends Article 47.02, Code of Criminal Procedure, to authorize any magistrate having jurisdiction in the county in which a criminal action is pending to hold a hearing to determine the right to possession of the property that is subject to Article 6687-7, V.T.C.S., even if a criminal action is pending, upon written consent of the prosecuting attorney.

SECTION 2.

Deletes proposed SECTION 2. Redesignates effective date from SECTION 3.

SECTION 3.

Redesignates emergency clause from SECTION 4. Deletes prospective clause.