

## **BILL ANALYSIS**

Senate Research Center

H.B. 373  
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Criminal Justice  
5-1-97  
Engrossed

### **DIGEST**

Current statutes providing for lawsuit abuse sanctions in correctional facilities refer only to federal and state penal facilities. The statutes currently authorize forfeiture by the sheriff of part or all of the good time credits earned by an inmate in a local correctional facility for certain infractions such as escape or attempt to escape. This bill will provide for the forfeiture of commutation of time for good conduct by an inmate of a county jail who files a frivolous or malicious lawsuit.

### **PURPOSE**

As proposed, H.B. 373 provides for the forfeiture of commutation of time for good conduct by an inmate of a county jail who files a frivolous or malicious lawsuit.

### **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 Section 5, Article 42.032, Code of Criminal Procedure, to authorize any part or all of the commutation accrued under this article to be forfeited or taken away by the sheriff on receipt by the sheriff of a certified copy of a final order of a state or federal court that dismisses as frivolous or malicious a lawsuit brought by a defendant while the defendant was in the custody of the sheriff.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Emergency clause.  
Effective date: upon passage.