

## **BILL ANALYSIS**

Senate Research Center  
80R4167 UM-D

S.B. 463  
By: Harris  
Criminal Justice  
4/19/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the term "complaint" is not included in the list detailing the statutory limitations for misdemeanors and does not include the details for when a complaint is considered to be "presented." Changes to statutory law that define and outline "complaints" may provide for increased uniformity in the application of law in the judicial process between justice and municipal courts and state trial courts.

As proposed, S.B. 463 includes "complaint" along with "indictment" and "information" in relation to a statutory limitation on misdemeanors. This bill also provides that a complaint which charges an offense in justice and municipal court is considered presented when it is filed by the proper officer in the proper court.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 12.02, Code of Criminal Procedure, to authorize the presentation of an indictment, information, or complaint for any misdemeanor within two years from the date of the commission of the offense, and not afterward.

SECTION 2. Amends Chapter 12, Code of Criminal Procedure, by adding Article 12.08, as follows:

Art. 12.08. A COMPLAINT IS "PRESENTED," WHEN. Provides that a complaint is considered as "presented" when it has been filed by the proper officer in the proper court.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.