

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 452
By: Alonzo (Uresti)
Criminal Justice
5/24/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 452 amends current law relating to pretrial hearings in criminal cases in certain courts.

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 28.01, Code of Criminal Procedure, by adding Section 4, as follows:

Sec. 4. (a) Requires a court to set a pretrial hearing in a criminal case if, not later than the 60th day before the date on which trial commences, the defendant requests the hearing. Requires the court to:

(1) hold the requested hearing not later than the 30th day before the date on which trial commences; and

(2) to the extent feasible, rule at the hearing on all pretrial motions filed in the case.

(b) Provides that the failure of the court is to comply with the requirements of Subsection (a) is not grounds for dismissal of a case against a defendant.

(c) Prohibits the court from sustaining a motion to set aside an indictment, information, or complaint for failure to provide a speedy trial, as described by Article 28.061 (Discharge for Delay), based solely on the failure of the court to comply with the requirements of Subsection (a).

(d) Provides that this section does not apply to a case in which the offense:

(1) is punishable by fine only;

(2) is punishable by a fine and a sanction not consisting of confinement or imprisonment; or

(3) is an offense under Chapter 106 (Provisions Relating to Age), Alcoholic Beverage Code, the punishment for which does not include confinement as an authorized sanction.

SECTION 2. Provides that this Act applies only to a criminal case in which the indictment or information is presented to the court on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.