

BILL ANALYSIS

Senate Research Center
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S.B. 961
By: Bettencourt; Flores
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Informed observers contend that the court system is overburdened with hearings and other proceedings regarding certain minor criminal offenses that would be better resolved outside of the court system.

S.B. 961 seeks to give peace officers the discretion of issuing a citation to a person charged with committing a Class B misdemeanor offense of criminal trespass instead of taking the person before a magistrate.

SECTION 2 of this session's bill, as compared to last session's bill, is written to conform with conventional drafting language. In last session's bill, the first sentence of SECTION 2 read: "The change in law made by this Act applies only to an offense committed on or after the effective date of this Act." In this session's draft bill and H.B. 395, the first sentence of SECTION 2 reads: "Article 14.06(d), Code of Criminal Procedure, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. "

As proposed, S.B. 961 amends current law relating to the issuance of a citation for a criminal trespass offense punishable as a Class B misdemeanor.

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 14.06(d), Code of Criminal Procedure, as follows:

(d) Provides that Subsection (c) (relating to authorization for a peace officer to issue a citation for certain offenses instead of taking a person before a magistrate) applies only to a person charged with committing an offense under:

(1)–(3) makes no changes to these subdivisions;

(3-a) Section 30.05 (Criminal Trespass), Penal Code, if the offense is punishable under Subsection (d)(1) (relating to a provision that an offense under the section is a Class B misdemeanor, with certain exceptions) of that section; and

(4)–(7) makes no changes to these subdivisions.

SECTION 2. Makes application of this Act prospective. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2019.