

BILL ANALYSIS

C.S.H.B. 346
By: Dutton
Judicial Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas currently does not have a statute limiting confinement for civil contempt. Some parties have expressed concern that this can lead to unjust results and that Texas should adopt the federal rule limiting confinement for civil contempt to 18 months (28 U.S.C. §1826 - Recalcitrant Witnesses). C.S.H.B. 346 limits confinement for civil contempt in Texas to a maximum of 18 months. C.S.H.B. 346 also limits confinement for criminal contempt to an 18 month period.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 346 amends the Government Code to provide that a person may not be confined for contempt of court longer than 18 months if the confinement is for criminal contempt or the lesser of 1) 18 months or 2) the period from the date of confinement to the date the person complies with the court order finding contempt if the confinement is for civil contempt.

The bill states that these limitations do not apply to cases in which a person is held in contempt for disobedience of a court order to make child support payments. Rather, the Code of Criminal Procedure and the Family Code apply to those cases.

The bill also provides that a period of confinement for contempt that occurs before its effective date counts toward the maximum period of confinement.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute provides that the bill's limitations do not apply to cases in which a person is held in contempt for disobedience of a court order to make child support payments. Rather, the Code of Criminal Procedure and the Family Code apply to those cases.

The substitute also clarifies that a period of confinement for contempt that occurs before its effective date counts toward the maximum period of confinement.