

BILL ANALYSIS

Senate Research Center

H.B. 346
By: Dutton (Whitmire)
Jurisprudence
5/8/2003
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, Texas does not have a statute limiting confinement for civil contempt. Recently, Texas and federal courts have had to intervene in the incarceration of a person who spent over four years in jail for civil contempt. H.B. 346 limits confinement for civil contempt in Texas to a maximum of 18 months. H.B. 346 also limits confinement for criminal contempt to an 18-month period.

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 Section 21.002, Government Code, by amending Subsections (a), (e), and (f) and adding Subsection (h), as follows:

- (a) Authorizes a court to punish for contempt, except as provided by Subsection (g).
- (e) Provides that, except as provided by Subsection (h), this section does not affect a court's power to confine a contemner to compel the contemner to obey a court order. Makes nonsubstantive changes.
- (f) Provides that Article 42.033, Code of Criminal Procedure, and Chapter 157, Family Code, apply when a person is punished by confinement for contempt of court for disobedience of a court order to make periodic payments for the support of a child. Provides that Subsection (h) does not apply to that person.
- (h) Prohibits a person from being confined for contempt of court longer than:
 - (1) 18 months, including two or more periods of confinement for contempt arising out of the same matter that equal a cumulative total of 18 months, if the confinement is for criminal contempt; or
 - (2) the lesser of 18 months or the period from the date of confinement to the date the person complies with the court order that was the basis of the finding of contempt, if the confinement is for civil contempt.

SECTION 2. (a) and (b) Make application of Section 21.002, Government Code, retroactive.

SECTION 3. Effective date: upon passage or September 1, 2003.

LIST OF COMMITTEE AMENDMENTS

Committee Amendment No. 1:

On page 1, line 20, strike the word “two” and inset “three.”