

BILL ANALYSIS

H.B. 559

By: Brown, Betty

Criminal Jurisprudence

Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current statute a magistrate may dispose of certain property if it falls into one of the currently listed categories. The magistrate may not dispose of property in a category not listed in current statute. The purpose of House Bill 559 is to expand the list of property for which a magistrate may dispose of to include “obscene devise or material.” The bill also clarifies the definition of “obscene” and “obscene device” as having the meanings defined in Section 43.21, Penal Code.

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

House Bill 559 amends the Code of Criminal Procedure, to add “obscene device or materials” to the list of property the magistrate is required to dispose of in accordance with Paragraph (a) of Article 18.18. The bill redefines “obscene device,” deletes the definition of “obscene material” and defines “obscene.”

EFFECTIVE DATE

September 1, 2003.