

BILL ANALYSIS

H.B. 2686
By: Baxter
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In, 1999, the Legislature amended the requirements for complaints filed in municipal courts. Previously, a complaint was sufficient if it alleged that the offense occurred in the court in which prosecution was held. After the amendment, the requirement for the allegation was that the offense occurred within the “territorial limits” of the city in which prosecution was held. Since the amendment, there has been confusion about whether the term “territorial limits” includes areas outside the corporate limits of the municipality, for example, in the extraterritorial jurisdiction. The purpose of House Bill 2686 is to clarify that a complaint filed in municipal court is not sufficient unless it alleges that the offense occurred in the corporate limits. Persons who own property outside the city limits have no voice in how municipal court judges are appointed. Therefore, when a city desires to prosecute a case occurring outside its corporate limits, which it does not have statutory authority to prosecute, it may do so in justice court before a neutral magistrate elected by the voters of that precinct.

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 2686 amends the Code of Criminal Procedure to provide that a complaint filed in municipal court must allege that the offense occurred in the corporate limits of the municipality.

EFFECTIVE DATE

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