

BILL ANALYSIS

Senate Research Center
78R9241 EMT-D

C.S.S.B. 194
By: Staples
State Affairs
4/1/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Current Texas law grants certain officers and individuals immunity in their functions as community supervision council members. Although those council members who are sheriffs, sheriff's employees, county judges, and county commissioners currently receive such immunity, county attorneys, district judges, district attorneys, and criminal district attorneys do not, even though state law requires such individuals to serve on community supervision councils. C.S.S.B. 194 adds immunity for those individuals.

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 42.20(c), Code of Criminal Procedure, to include a member of a community justice council established under Section 76.003(b), Government Code, who is not otherwise listed in the subsection, among the list of persons to whom this article, relating to immunity for certain government employees for an act or omission committed while supervising an inmate or offender program or activity applies. Redesignates Subsections 4 and 5 as 5 and 6.

SECTION 2. Repealer: Section 8(g), Article 42.03, Code of Criminal Procedure, as redesignated and amended by Section 1, Chapter 201, Acts of the 73rd Legislature, Regular Session (Liability for certain government employees while supervising an inmate or offender program or activity).

SECTION 3. Effective date: September 1, 2003.
Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

Differs from As Filed in relating clause by adding "or agents" to provide that immunity is granted to governmental employees or agents.

Differs from As Filed in SECTION 1 by deleting a county attorney, a district judge, district attorney or criminal district attorney from the list of persons to whom this Act applies and adding "a member of a community justice council established under Section 76.003(b), Government Code, who is not otherwise listed in the subsection" to this same list.