

BILL ANALYSIS

C.S.H.B. 2296
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, it is possible for a prosecuting attorney to request, with the Court's consent and permission, to reduce a state jail felony offense to a Class A misdemeanor. When used for appropriate situations, this mechanism has been a successful preventative measure and has provided much needed relief for overcrowded prison systems. However, there have been cases where a Judge has ruled that even though the offense is punished as a misdemeanor, it remains a felony offense. C.S.H.B. 2296 would amend Section 12.44(b) of the Penal Code to clarify that at the request of the prosecuting attorney, the court may authorize the prosecuting attorney to prosecute a state jail felony as a Class A misdemeanor.

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. 2296 amends the Penal Code to allow that at the request of the prosecuting attorney, the court may authorize the prosecuting attorney to prosecute a state jail felony as a Class A misdemeanor. The change in this law will only apply to an offense committed on or after the effective date.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute deletes language from the original bill that allowed a prosecuting attorney to request, with the Court's consent, to prosecute a felony of the third degree as a Class A misdemeanor.