

BILL ANALYSIS

H.B. 2297
By: Cook, Robby
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is currently a loophole in the punishment process for misdemeanors. A defendant with a prior Class B conviction, who commits a Class A misdemeanor, has no minimum sentence requirement. However, a person who commits a lesser crime, or a Class B misdemeanor and is a repeat offender, faces a 30-day minimum sentence requirement. House Bill 2297 would amend Section 12.43 of the Penal Code to address and correct the loophole, and thereby provide a deterrent to repeat a misdemeanor offense, by establishing a minimum sentence requirement for a repeat misdemeanor offender.

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 2297 amends the Penal Code to require that a person who commits a Class A misdemeanor with past Class B conviction receives a minimum sentence requirement of 90 days.

EFFECTIVE DATE

September 1, 2005.