

BILL ANALYSIS

H.B. 2885
By: Giddings
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, an arrest warrant or complaint for the passing of a bad check can be issued without approval of the county attorney or district attorney, as applicable. Different counties within the state have slightly differing structures in their justice systems, with some counties having a county attorney, and others having a district attorney. House Bill 2885 provides that in a county with a population of more than two million that does not have a county attorney, a justice or judge may not issue a warrant for passing of a bad check, unless the district attorney has approved the complaint or affidavit on which the warrant is based.

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 2885 provides that in a county with a population of more than two million that does not have a county attorney, a justice or judge may not issue a warrant for passing of a bad check, unless the district attorney has approved the complaint or affidavit on which the warrant is based.

The bill goes on to declare that in a county fitting the above description, a complaint for passing of a bad check must be approved by the district attorney regardless of whether a collection proceeding is initiated by the district attorney pursuant to Section 32.41(e) of the Penal Code.

EFFECTIVE DATE

September 1, 2005.