

AN ACT

relating to the reduction of a state jail felony prosecution to a misdemeanor prosecution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.44(b), Penal Code, is amended to read as follows:

(b) At the request of the prosecuting attorney [~~When a court is authorized to impose punishment for a lesser category of offense as provided in Subsection (a)~~], the court may authorize the prosecuting attorney to prosecute a state jail felony as a Class A misdemeanor [~~initially for the lesser category of offense~~].

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. This Act takes effect September 1, 2005.

H.B. No. 2296

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2296 was passed by the House on April 26, 2005, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 2296 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor