

1-1 By: Cook of Colorado (Senate Sponsor - Armbrister) H.B. No. 2296
1-2 (In the Senate - Received from the House April 27, 2005;
1-3 April 29, 2005, read first time and referred to Committee on
1-4 Criminal Justice; May 20, 2005, reported favorably by the
1-5 following vote: Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the reduction of a state jail felony prosecution to a
1-9 misdemeanor prosecution.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 12.44(b), Penal Code, is amended to read
1-12 as follows:

1-13 (b) At the request of the prosecuting attorney [~~When a court~~
1-14 ~~is authorized to impose punishment for a lesser category of offense~~
1-15 ~~as provided in Subsection (a)~~], the court may authorize the
1-16 prosecuting attorney to prosecute a state jail felony as a Class A
1-17 misdemeanor [~~initially for the lesser category of offense~~].

1-18 SECTION 2. The change in law made by this Act applies only
1-19 to an offense committed on or after the effective date of this Act.
1-20 An offense committed before the effective date of this Act is
1-21 covered by the law in effect when the offense was committed, and the
1-22 former law is continued in effect for that purpose. For purposes of
1-23 this section, an offense was committed before the effective date of
1-24 this Act if any element of the offense was committed before that
1-25 date.

1-26 SECTION 3. This Act takes effect September 1, 2005.

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