

BILL ANALYSIS

C.S.H.B. 1596
By: Dutton
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current state law allows for the restoration of certain civil rights to a criminal defendant for certain federal offense as well as some offenses under the laws of another country, but not the laws of this state.

CSHB 1596 allows for the restoration of certain civil rights to criminal defendants who committed any offense under the laws of this state.

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

CSHB 1596 amends the Code of Criminal Procedure, to provide that Article 48.05, Code of Criminal Procedure, applies to any offense under the laws of the state. This bill also adds state offenses to the current requirement that an individual may not apply for the restoration of civil rights under Article 48.05 unless the offense occurred three or more years before the date of application if the offense is a federal or state offense.

This bill applies to a defendant who is convicted of an offense before, on or after September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill amended several provisions relating to restoration of certain rights to a criminal defendant, whereas the substitute simply provides that Article 48.05, Code of Criminal Procedure, applies to any offense under the laws of the state and adds state offenses to the current requirement that an individual may not apply for the restoration of civil rights under Article 48.05 unless the offense occurred three or more years before the date of application if the offense is a federal or state offense.

More specifically, the original bill made the following changes: (1) changes regarding the right to serve as a petit juror by amending Article 35.16(a), Code of Criminal Procedure; (2) changes regarding general qualifications for jury service by amending Section 62.102, Government Code; (3) changes regarding a person's right to vote by amending Section 11.002, Election Code; (4) changes regarding a person's right to hold public elective office by amending Section 141.001(a), Election Code; and (5) changes regarding qualification to serve as an executor or administrator by amending Section 78 of the Texas Probate Code. The substitute does not amend those provisions.

The original bill made changes relating to the restoration of certain rights, when the court must rule on a filed petition to restore certain rights, and requirements to be eligible for the restoration of certain rights by adding Section 20A to Article 42.12, Code of Criminal Procedure. The original bill also added Section 493.026 to Chapter 493 of the Government Code to require the

Texas Department of Criminal Justice to establish criteria, requirements, and procedures for certifying an organization or entity to provide instruction regarding these rights and responsibilities. The substitute does not make any of these changes.