

BILL ANALYSIS

H.B. 1801
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Since the state has had the right to appeal, the deadline for filing notice of appeal is no later than the fifteenth day after the order, ruling, or sentence has been entered. When appealing a motion to suppress evidence, which is the most common form of appeal for the state, the elected district attorney is required to certify that the appeal is not being taken for the purpose of delay and that the evidence, confession, or admission is of substantial importance in the case. However, the defendant is not required to make such a certification and has always had thirty days in which to file notice of appeal.

The purpose of the bill is to amend the Code of Criminal Procedure to change the state's deadline for filing a notice of appeal from fifteen days to thirty days. This would make the deadlines the same for all parties and would give the elected district attorney sufficient time to order a transcript of the proceedings in question, speak to the prosecutor assigned to the case, investigate the facts surrounding the issue to be appealed before making the decision, and certify as to whether the state will appeal.

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 1801 amends Article 44.01(d), Code of Criminal Procedure, to provide that the prosecuting attorney may not make an appeal under Subsections (a) or (b) of this article later than the 30th day after the date on which the order, ruling, or sentence to be appealed is entered by the court. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.