

## **BILL ANALYSIS**

S.B. 463  
By: Harris  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, the term "complaint" is not included in the list detailing the statutory limitations for misdemeanors and does not include the details for when a complaint is considered to be "presented." Changes to statutory law that define and outline "complaints" may provide for increased uniformity in the application of law in the judicial process between justice and municipal courts and state trial courts.

As proposed, S.B. 463 includes "complaint" along with "indictment" and "information" in relation to a statutory limitation on misdemeanors. This bill also provides that a complaint which charges an offense in justice and municipal court is considered presented when it is filed by the proper officer in the proper court.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

Senate Bill 463 amends Article 12.02, Code of Criminal Procedure, to authorize the presentation of an indictment, information, or complaint for any misdemeanor within two years from the date of the commission of the offense, and not afterward.

Article 12.08, Code of Criminal Procedure, is added to provide that a complaint is considered as "presented" when it has been filed by the proper officer in the proper court.

The change in law made by Article 12.02, Code of Criminal Procedure, as amended by this Act, does not apply to an offense if the prosecution of that offense became barred by limitation before the effective date of this Act. The prosecution of that offense remains barred as if this Act had not taken effect.

### **EFFECTIVE DATE**

September 1, 2007