

## **BILL ANALYSIS**

Senate Research Center  
80R5979 UM-F

S.B. 767  
By: Ogden  
Criminal Justice  
4/21/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, some statutes imposing fines for what are intended to be Class C misdemeanors, which are limited to \$500, impose fines in excess of this amount.

As proposed, S.B. 767 clarifies that the fine for certain Class C misdemeanors is not to exceed \$500.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 4.07, Code of Criminal Procedure, as follows:

Art. 4.07. JURISDICTION OF COUNTY COURTS. Requires the county courts to have original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the justice court. Deletes existing text placing an additional condition that the fine to be imposed exceeds \$500.

SECTION 2. Amends Article 4.11(a), Code of Criminal Procedure, as follows:

(a) Requires justices of the peace to have exclusive original jurisdiction in criminal cases punishable by fine only or by fine and, as authorized by statute, a sanction not consisting of confinement or imprisonment. Deletes existing text relating to original jurisdiction in cases arising under Chapter 106 (Provisions Relating to Age), Alcoholic Beverage Code, that do not include confinement as an authorized sanction.

SECTION 3. Amends Section 542.301(b), Transportation Code, to provide that an offense under this section (General Offense) is a Class C misdemeanor, rather than a misdemeanor.

SECTION 4. Amends Section 542.401, Transportation Code, to increase to \$500 from \$200 the maximum fine for a person convicted of a misdemeanor offense under this subtitle (Penalties and Costs of Court) for which another penalty is not provided.

SECTION 5. Amends Section 12.23, Penal Code, to require that a person adjudged guilty of a Class C misdemeanor be punished by a fine not to exceed \$500, except as provided by other law.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2007.