

SENATE AMENDMENTS

2nd Printing

By: Zerwas

H.B. No. 1801

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the date by which a prosecuting attorney may appeal
3 certain orders, rulings, or sentences in a criminal case.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 44.01(d), Code of Criminal Procedure, is
6 amended to read as follows:

7 (d) The prosecuting attorney may not make an appeal under
8 Subsection (a) or (b) of this article later than the 20th [~~15th~~] day
9 after the date on which the order, ruling, or sentence to be
10 appealed is entered by the court.

11 SECTION 2. The change in law to Article 44.01, Code of
12 Criminal Procedure, made by this Act applies only to the appeal of
13 an order, ruling, or sentence entered on or after the effective date
14 of this Act. An order, ruling, or sentence entered before the
15 effective date of this Act is governed by the law in effect when the
16 order, ruling, or sentence is entered, and the former law is
17 continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

Atty Gen
Secretary of the Senate

By: Hegar

H.B. No. 1801

Substitute the following for H.B. No. 1801:

By: *John White*

C.S.H.B. No. 1801

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the date by which a prosecuting attorney may appeal
3 certain orders, rulings, or sentences in a criminal case and to the
4 posting of notice for a criminal court docket.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 17, Code of Criminal Procedure, is amended
7 by adding Article 17.085 to read as follows:

8 Art. 17.085. NOTICE OF APPEARANCE DATE. The clerk of a court
9 that does not provide online Internet access to that court's
10 criminal case records shall post in a designated public place in
11 the courthouse notice of a criminal court docket setting not less
12 than 48 hours before the docket setting.

13 SECTION 2. Article 44.01(d), Code of Criminal Procedure, is
14 amended to read as follows:

15 (d) The prosecuting attorney may not make an appeal under
16 Subsection (a) or (b) of this article later than the 30th [~~15th~~]
17 day after the date on which the order, ruling, or sentence to be
18 appealed is entered by the court.

19 SECTION 3. The change in law by the addition of Article
20 17.085, Code of Criminal Procedure, made by this Act applies only
21 to a bond issued on or after the effective date of this Act. A

1 bond issued before the effective date of this Act is governed by
2 the law in effect at the time the bond was issued, and the former
3 law is continued in effect for that purpose.

4 SECTION 4. The change in law to Article 44.01, Code of
5 Criminal Procedure, made by this Act applies only to the appeal of
6 an order, ruling, or sentence entered on or after the effective
7 date of this Act. An order, ruling, or sentence entered before the
8 effective date of this Act is governed by the law in effect when
9 the order, ruling, or sentence is entered, and the former law is
10 continued in effect for that purpose.

11 SECTION 5. This Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 19, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1801 by Zerwas (Relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case and to the posting of notice for a criminal court docket.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case. The bill would provide that the prosecuting attorney may not make an appeal later than the 20th day after the date a court enters an order, ruling or sentence, rather than the 15th day as provided in current law. To the extent the bill would allow prosecutors more time in which to file an appeal to court orders, rulings or sentences, no significant fiscal implication to the State is anticipated.

The bill would also amend the Code of Criminal Procedure to require the clerk of a court that does not provide online Internet access to post in a designated public place in the courthouse notice of a criminal court docket setting not less than 48 hours before the setting.

The bill would take effect September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, ES, ZS, TB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1801 by Zerwas (Relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case. The bill would provide that the prosecuting attorney may not make an appeal later than the 20th day after the date a court enters an order, ruling or sentence, rather than the 15th day as provided in current law. To the extent the bill would allow prosecutors more time in which to file an appeal to court orders, rulings or sentences, no significant fiscal implication to the State is anticipated.

The bill would take effect September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, ES, ZS, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

Revision 1

April 27, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1801 by Zerwas (Relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case. The bill would provide that the prosecuting attorney may not make an appeal later than the 30th day after the date a court enters an order, ruling or sentence, rather than the 15th day as provided in current law. To the extent the bill would allow prosecutors more time in which to file an appeal to court orders, rulings or sentences, no significant fiscal implication to the State is anticipated.

The bill would take effect September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, ES, ZS, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 1, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1801 by Zerwas (Relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case. The bill would provide that the prosecuting attorney may not make an appeal later than the 30th day after the date a court enters an order, ruling or sentence, rather than the 15th day as provided in current law. To the extent the bill would allow prosecutors more time in which to file an appeal to court orders, rulings or sentences, no significant fiscal implication to the State is anticipated.

The bill would take effect September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, ES, ZS, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

May 19, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1801 by Zerwas (Relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case and to the posting of notice for a criminal court docket.), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1801 by Zerwas (Relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

Revision 1

April 27, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1801 by Zerwas (Relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

March 30, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1801 by Zerwas (Relating to the date by which a prosecuting attorney may appeal certain orders, rulings, or sentences in a criminal case.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG

