

BILL ANALYSIS

C.S.H.B. 221
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Numerous murders and sexual offenses go unsolved for many years because the accused have evaded arrest and cannot be brought to trial for the crimes for which they were indicted. Current law does not provide for or require additional consequences to be added to the parole conditions of a convicted felon who evaded arrest for an extended period before being found guilty of committing murder or a sexual offense.

C.S.H.B. 221 delays parole eligibility for an inmate serving a sentence for a sexual assault or aggravated sexual assault or for murder by three years for every 12 months that elapse between the date the arrest warrant is issued for the inmate following an indictment and the date the inmate is arrested for the offense. The bill requires a judge in such a case, on a motion, to make an affirmative finding of fact regarding the number of months that elapsed between the date of issuance of an arrest warrant and the date the defendant was arrested for the offense.

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

C.S.H.B. 221 amends the Code of Criminal Procedure to require a judge in the trial of a sexual assault, aggravated sexual assault, or murder offense, on the motion of an attorney representing the state, to make an affirmative finding of fact regarding the number of months that elapsed, if any, between the date an arrest warrant was issued for the defendant following an indictment for the offense and the date the defendant was arrested for the offense and to enter the affirmative finding in the judgment in the case. The bill adds such an affirmative finding to the list of items that a judgment of a court should reflect under state law.

C.S.H.B. 221 amends the Government Code to delay the earliest date on which an inmate who is serving a sentence for a sexual assault, aggravated sexual assault, or murder offense is eligible for parole by three years from the date the inmate completes the sentence for every 12 months that elapse between the date an arrest warrant is issued for the inmate following an indictment for the offense and the date the inmate is arrested for the offense.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 221 adds provisions not in the original requiring a judge in the trial of a sexual assault, aggravated sexual assault, or murder to make an affirmative finding of fact regarding the number of months, if any, between the date an arrest warrant was issued for the defendant and the date

the defendant was arrested for the offense, requiring the judge to enter the affirmative finding in the judgment in the case, and generally requiring a court judgment to reflect such type of affirmative finding.

C.S.H.B. 221 removes a provision in the original delaying the earliest date on which an inmate who is serving a sentence for a sexual assault or aggravated sexual assault offense committed against a victim younger than 14 years of age is eligible for parole by six years from the date the inmate completes the sentence for every 12 months that elapse between the date an arrest warrant is issued for the inmate following an indictment for the offense and the date the inmate is arrested for the offense.