

BILL ANALYSIS

H.B. 1765
By: Woolley
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 79th Legislature, Regular Session, 2005, enacted H.B. 915 which permitted municipal peace officers to arrest a person who has committed a Class C Misdemeanor anywhere in the county in which the municipal peace officer's jurisdiction lies. The related charge must be filed in the municipal court of the jurisdiction in which the offense is committed. In small municipalities that have contiguous borders, the actual border line is unclear either because of expanded freeways or, for example, a school that is in one municipality while the road in front of the school is in another municipality. This lack of clarity is problematic for determining jurisdictional issues.

H.B. 1765 authorizes a municipality with a population of 1.9 million or more and another municipality contiguous to that municipality to enter into an agreement providing concurrent municipal court jurisdiction for criminal cases arising from offenses committed on or near the boundary of those municipalities and punishable only by a fine.

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

H.B. 1765 amends the Code of Criminal Procedure to authorize a municipality with a population of 1.9 million or more and another municipality contiguous to that municipality to enter into an agreement providing concurrent jurisdiction for the municipal courts of either jurisdiction for all criminal cases arising from offenses under state law that are committed on the boundary of those municipalities or within 200 yards of that boundary and punishable by fine only. The bill authorizes such an offense to be prosecuted in either of those municipalities.

H.B. 1765 amends the Government Code to make conforming changes.

EFFECTIVE DATE

September 1, 2009.