

By: Dutton

H.B. No. 949

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the attorney representing the state to
3 dismiss a criminal action based on the commission of a nonviolent
4 offense.

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

6 SECTION 1. Article 32.02, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 32.02. DISMISSAL BY STATE'S ATTORNEY. (a) The
9 attorney representing the State may, by permission of the court,
10 dismiss a criminal action at any time upon filing a written
11 statement with the papers in the case setting out the [~~his~~] reasons
12 for the [~~such~~] dismissal, which shall be incorporated in the
13 judgment of dismissal. No case shall be dismissed without the
14 consent of the presiding judge.

15 (b) The attorney representing the state may dismiss, in the
16 manner provided by Subsection (a), a case involving a nonviolent
17 criminal offense if the defendant in the case:

18 (1) following the commission of the offense, becomes a
19 member of the United States armed forces serving on active duty; and

20 (2) has not been finally convicted of any additional
21 offense other than an offense under the Transportation Code
22 punishable by fine only or an offense relating to a pedestrian or
23 the parking of a motor vehicle punishable by fine only.

24 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.