

BILL ANALYSIS

C.S.H.B. 371
By: Hochberg
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas has a reputation for being tough on crime, yet it is still possible to plead guilty to murder in this state and serve no time in prison. Currently, in Texas, a judge has the power to issue an order of deferred adjudication in a murder case. In a justice system that is presumed to be based on progressive sanctions, it seems inconsistent to allow the release of a person who pleads guilty to a charge of murder who has not served any jail time. C.S.H.B. 371 prohibits a judge from granting deferred adjudication in a murder case except on determining that the defendant did not cause the death, did not intend to kill the deceased or another, and did not anticipate a death.

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. 371 amends the Code of Criminal Procedure to expand the circumstances under which a judge is prohibited from granting deferred adjudication to include a case in which a defendant is charged with murder, unless the judge makes a determination that the defendant did not cause the death of the deceased, did not intend to kill the deceased or another, and did not anticipate that a human life would be taken.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 371 is the same as the original, except that the substitute adds a Texas Legislative Council footer.