

BILL ANALYSIS

C.S.H.B. 439
By: Dutton
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas law allowing for the restoration of certain civil rights forfeited as a result of a criminal conviction currently applies with respect to certain federal offenses and offenses under the laws of another country, but not to Texas laws. C.S.H.B. 439 seeks to provide for the restoration of civil rights to criminal defendants who have committed certain offenses under Texas law.

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. 439 amends the Code of Criminal Procedure to include any offense under state law, other than an offense involving drugs or for which an individual is required to register as a sex offender, among the offenses for which a convicted individual is authorized to submit an application for the restoration of any civil rights forfeited as a result of the conviction. The bill makes the limitation on applying for restoration of civil rights until three or more years after the conviction occurred apply to all eligible offenses, regardless of whether the offense is a federal offense, an offense under the laws of another country, or an offense under state law. The bill's provisions apply to a defendant who is convicted of an offense before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 439 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Article 48.05(a)(2), Code of Criminal Procedure, is amended to read as follows:

- (2) This article applies to:
 - (A) a federal offense, other than an offense involving:
 - (i) violence or the threat of violence;
 - (ii) drugs; or

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article 48.05(a)(2), Code of Criminal Procedure, is amended to read as follows:

- (2) This article applies to:
 - (A) a federal offense, other than an offense involving:
 - (i) violence or the threat of violence;
 - (ii) drugs; or

(iii) firearms; ~~and~~
(B) an offense under the laws of another country, other than an offense involving:
(i) violence or the threat of violence;
(ii) drugs; or
(iii) firearms, if the elements of the offense are substantially similar to elements of an offense under the laws of this state punishable as a felony; and
(C) any offense under the laws of this state.

(iii) firearms; ~~and~~
(B) an offense under the laws of another country, other than an offense involving:
(i) violence or the threat of violence;
(ii) drugs; or
(iii) firearms, if the elements of the offense are substantially similar to elements of an offense under the laws of this state punishable as a felony; and
(C) an offense under the laws of this state, other than an offense:
(i) for which an individual is required to register as a sex offender under Chapter 62;
or
(ii) involving drugs.

SECTION 2. Article 48.05(b), Code of Criminal Procedure, is amended.

SECTION 2. Same as introduced version.

SECTION 3. This Act applies to a defendant who is convicted of an offense before, on, or after the effective date of this Act.

SECTION 3. Same as introduced version.

SECTION 4. This Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.