

## **BILL ANALYSIS**

H.B. 734  
By: Murphy  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current statute requires a defendant on trial for a Class A misdemeanor who has previously been convicted of a Class A misdemeanor or any degree of felony to be punished by a fine, confinement, or both and requires a defendant on trial for a Class B misdemeanor who has previously been convicted of a Class A or Class B misdemeanor or any degree of felony to be punished by a lesser fine, shorter confinement, or both. Thus, if a person continuously commits Class A or B misdemeanors, the punishment is not enhanced. Concern has been raised that Texas statute provides no guidance for court systems in punishing repeat misdemeanor offenders. To provide stricter punishments for those who continue to break the law while remaining in the context of penalties for misdemeanor offenders, H.B. 734 provides for enhanced penalties for repeat and habitual Class A and Class B misdemeanor offenders.

### **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. 734 amends the Penal Code to require a defendant convicted of a Class A or Class B misdemeanor, if it is shown at trial that the defendant has been previously convicted two or more times of a Class A or Class B misdemeanor or any degree of felony, to be punished by a fine of not more than \$4,000 and not less than \$2,000, confinement in jail for any term of not more than one year or less than 180 days, or both such fine and confinement.

### **EFFECTIVE DATE**

September 1, 2013.