

BILL ANALYSIS

H.B. 2804
By: Toth
Criminal Procedure Reform, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the vast number of Texas criminal laws, including approximately 1,500 provisions outside of the Penal Code, has rendered the body of criminal law as a whole unwieldy and unjust, with penalties often disproportionate to the severity of the crime. The parties note that no systematic attempt has been made to create consistency among these offenses in two decades, which the parties assert has led to numerous crime and punishment discrepancies, such as the felony for dredging for oysters at night and the mere misdemeanor for hiding a human corpse. In addition, the Legislative Budget Board (LBB) recently recommended that the state establish a mechanism to review sentencing policies and control criminal justice costs. H.B. 2804 seeks to implement the LBB's recommendation and address the issue of outdated criminal laws by creating a temporary commission to review certain Texas penal laws and make recommendations regarding the repeal of the laws identified as insufficient to serve the intended purpose of the 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

H.B. 2804 creates a commission to study and review all penal laws of Texas other than criminal offenses under the Penal Code, the Texas Controlled Substances Act, or provisions related to the operation of a motor vehicle. The bill requires the commission to evaluate those laws and make recommendations to the legislature regarding the repeal of laws identified as being unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve the law's intended purpose. The bill establishes the composition and provides for the appointment of the nine-member commission which must include representatives of all areas of the criminal justice system, including eight members appointed two each by the governor, lieutenant governor, speaker of the house of representatives, and chief justice of the Texas Supreme Court, and one member appointed by the presiding judge of the Texas Court of Criminal Appeals. The bill provides for the appointment of the commission's presiding officer and for meetings at the officer's call and specifies that members are not entitled to compensation or reimbursement of expenses. The bill requires the commission to report its findings and recommendations to the appointing officials and legislative committees with primary jurisdiction over criminal justice not later than November 1, 2014, and to include in its recommendations any specific statutes that the commission recommends revising or repealing. The bill abolishes the commission and makes its provisions expire on December 31, 2014.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.