

## **BILL ANALYSIS**

C.S.H.B. 3743  
By: Wu  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law restricts a prosecuting attorney's right to appeal a court order in a juvenile justice case to only those cases in which a grand jury has approved the petition alleging that the child engaged in violent or habitual felony conduct. Interested parties assert that the current law leaves the prosecuting attorney in most juvenile cases unable to appeal erroneous rulings by a juvenile court, including those in which the court's disposition may be illegal. C.S.H.B. 3743 seeks to allow the appeal of a court order in a juvenile case under additional circumstances.

### **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. 3743 amends the Family Code to remove a provision limiting the state's entitlement to appeal a court order in a juvenile case regarding the disposition of a petition, judgment, or claim or granting a new trial or a motion to suppress evidence or statements to an appeal in a juvenile case in which the grand jury has approved the prosecuting attorney's petition alleging that the child engaged in violent or habitual felony conduct. The bill further entitles the state to appeal a disposition in a juvenile case on the grounds that the disposition is illegal and makes provisions that apply to other appeals in such cases applicable to an appeal on these additional grounds.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3743 differs from the original in minor or nonsubstantive ways to make technical corrections and by conforming to certain bill drafting conventions.