

BILL ANALYSIS

C.S.H.B. 538
By: Spitzer
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the territorial limits of a rural city located on a county line have long been established through the annexation of property, which has created areas in which half of a roadway is located in the city and the other half is located in the county. Critics assert that this creates an impossible situation for police and courts in determining the exact location of the occurrence of an incident for jurisdiction purposes. C.S.H.B. 538 seeks to remedy this situation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 538 amends the Code of Criminal Procedure to specify that the territorial limits of a municipality with a population of less than 2,000 that is located in two counties include the entire width of a segment of highway or street that is partially located in the municipality or a segment of highway or street that abuts property located in the municipality for purposes of municipal court concurrent jurisdiction with the justice court of a precinct in which the municipality is located in all criminal cases arising under state law that arise within the territorial limits of the municipality and are punishable by fine only. The bill includes in the jurisdiction of a peace officer employed by such a municipality the area included in the municipality's territorial limits under the bill's provisions for purposes of authorizing a peace officer to arrest without warrant a person who commits any offense within the officer's presence or view outside of the officer's jurisdiction or to arrest a person for violation of statutory provisions regarding rules of the road if the offense is committed in the county or counties in which the municipality employing the officer is located. The bill includes the area described by the bill's provisions in a municipality's territorial limits for purposes of requiring that a complaint filed in municipal court in a municipality with a population of less than 2,000 that is located in two counties allege that the offense was committed in the municipality's territorial limits.

C.S.H.B. 538 amends the Government Code to specify that the territorial limits of a municipality with a population of less than 2,000 that is located in two counties include the entire width of a segment of highway or street that is partially located in the municipality or a segment of highway or street that abuts property located in the municipality for purposes of municipal court concurrent jurisdiction with the justice court of a precinct in which the municipality is located in all criminal cases arising under state law that arise within the territorial limits of the municipality and are punishable by fine only or that arise under statutory provisions regarding alcohol-related offenses involving a minor and do not include confinement as an authorized sanction.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 538 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Article 4.14, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) For the purposes of Subsection (b), the territorial limits of a municipality include:

- (1) the entire width of a segment of highway or street, as defined by Section 541.302, Transportation Code, that is partially located in the municipality; or
- (2) a segment of highway or street, as defined by Section 541.302, Transportation Code, that abuts property located in the municipality.

SECTION 2. Article 14.03(g), Code of Criminal Procedure, is amended by adding Subdivision (4) to read as follows:

(4) For purposes of Subdivision (2), the jurisdiction of a peace officer employed by a municipality includes the area included in the territorial limits of the municipality under Article 4.14(b-1).

SECTION 3. Article 45.019(c), Code of Criminal Procedure, is amended to read as follows:

(c) A complaint filed in municipal court must allege that the offense was committed in the territorial limits of the municipality, which include the area described by Article 4.14(b-1), in which the complaint is made.

No equivalent provision. (But see SECTION 3 above.)

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article 4.14, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) For the purposes of Subsection (b)(1), the territorial limits of a municipality with a population of less than 2,000 that is located in two counties include:

- (1) the entire width of a segment of highway or street, as defined by Section 541.302, Transportation Code, that is partially located in the municipality; or
- (2) a segment of highway or street, as defined by Section 541.302, Transportation Code, that abuts property located in the municipality.

SECTION 2. Article 14.03(g), Code of Criminal Procedure, is amended by adding Subdivision (4) to read as follows:

(4) For purposes of Subdivision (2), the jurisdiction of a peace officer employed by a municipality described by Article 4.14(h) includes the area included in the territorial limits of the municipality under that article.

No equivalent provision. (But see SECTION 3 below.)

SECTION 3. Article 45.019, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) A complaint filed in municipal court in a municipality described by Article 4.14(h) must allege that the offense was committed

in the territorial limits of the municipality, which include the area described by that article, in which the complaint is made.

SECTION 4. Section 29.003, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) For the purposes of Subsection (b), the territorial limits of a municipality include the area described by Article 4.14(b-1), Code of Criminal Procedure.

SECTION 5. The changes in law made by Article 4.14(b-1), Code of Criminal Procedure, and Section 29.003(b-1), Government Code, as added by this Act, and Article 45.019(c), Code of Criminal Procedure, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 4. Section 29.003, Government Code, is amended by adding Subsection (j) to read as follows:

(j) For the purposes of Subsection (b), the territorial limits of a municipality described by Article 4.14(h), Code of Criminal Procedure, include the area described by that article.

SECTION 5. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. Same as introduced version.