

BILL ANALYSIS

H.B. 561
By: Dutton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties raise concerns regarding the occasions when prosecutors take to a subsequent grand jury a case that was not indicted by a previous grand jury. The parties characterize this practice as grand jury shopping when the case presented before the subsequent grand jury involves the same act or omission by the same person without any new evidence. The parties believe grand jury shopping occurs solely because the prosecutor simply did not like the no-bill vote of the preceding grand jury. H.B. 561 seeks to address this issue through a new disclosure requirement for prosecutors.

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

H.B. 561 amends the Code of Criminal Procedure to require the attorney representing the state in a criminal proceeding to disclose to a grand jury investigating a person accused or suspected of committing an offense the result of any vote taken on an indictment by a previous grand jury investigating the same act or omission giving rise to the criminal accusation.

EFFECTIVE DATE

September 1, 2015.