

BILL ANALYSIS

Senate Research Center

H.B. 2299
By: Riddle (Whitmire)
Criminal Justice
5/7/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 83rd Legislature, Regular Session, 2013, the House Select Committee on Criminal Procedure Reform recommended the preparation of a nonsubstantive revision of Article 42.12, Code of Criminal Procedure, and tasked the Texas Legislative Council (TLC) with completing the project. TLC incorporated the project into its long-standing tradition of clarifying and simplifying statutory law, which is performed on an ongoing basis in accordance with Section 323.007, Government Code.

TLC is required by law (Section 323.007, Government Code) to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate later expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law, if practicable—all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

This revision codifies Article 42.12, Code of Criminal Procedure, as a new Chapter 42A, Code of Criminal Procedure.

The council's legal staff has taken meticulous care to ensure that no substantive change has been made in the laws and to preserve any ambiguity or interpretation that may exist in the current laws.

The House Select Committee on Criminal Procedure Reform distributed the proposed document to interested persons for review and comment. In response, council staff has studied submitted comments and suggestions and has taken action to satisfy any concerns expressed.

The proposed chapter is a nonsubstantive revision of a select portion of Texas criminal law. The substance of the law has not been altered. The sole purpose of the proposed chapter is to organize and arrange, in a logical fashion, the laws relating to community supervision and to rewrite those laws without altering their meaning or legal effect. If a particular source statute is ambiguous and the ambiguity cannot be resolved without a potential substantive effect, the ambiguity is preserved.

H.B. 2299 amends current law relating to the nonsubstantive revision of certain laws concerning community supervision granted in criminal cases, including conforming amendments.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE 1. NONSUBSTANTIVE REVISION OF COMMUNITY SUPERVISION LAWS

SECTION 1.01. Amends Title 1, Code of Criminal Procedure, by adding Chapter 42A, as follows:

CHAPTER 42A. COMMUNITY SUPERVISION
(Pages 1-109 of this bill)

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Amends Sections 106.06(d) and (e), Alcoholic Beverage Code, to make nonsubstantive revisions.

SECTIONS 2.02–2.03. Amends sections of the Civil Practice and Remedies Code, to make nonsubstantive revisions.

SECTIONS 2.04–2.29. Amends articles of the Code of Criminal Procedure, to make nonsubstantive revisions.

SECTION 2.30. Amends Section 37.152(f), Education Code, to make a nonsubstantive revision.

SECTIONS 2.31–2.34. Amends sections of the Family Code, to make nonsubstantive revisions.

SECTIONS 2.35–2.63. Amends sections of the Government Code, to make nonsubstantive revisions.

SECTIONS 2.64–2.73. Amends sections of the Health and Safety Code, to make nonsubstantive revisions.

SECTIONS 2.74–2.78. Amends sections of the Local Government Code, to make nonsubstantive revisions.

SECTIONS 2.79–2.80. Amends sections of the Occupations Code, to make nonsubstantive revisions.

SECTIONS 2.81–2.85. Amends sections of the Penal Code, to make nonsubstantive revisions.

SECTIONS 2.86–2.91. Amends sections of the Transportation Code, to make nonsubstantive revisions.

ARTICLE 3. REPEALER

SECTION 3.01. Repealer: Article 42.12 (Community Supervision), Code of Criminal Procedure.

ARTICLE 4. GENERAL MATTERS

SECTION 4.01. Provides that this Act is enacted under Section 43, Article III, Texas Constitution. Provides that this Act is intended as a codification only, and no substantive change in the law is intended by this Act.

SECTION 4.02. Effective date: January 1, 2017.