

BILL ANALYSIS

H.B. 2299
By: Riddle
Criminal Jurisprudence
Committee Report (Amended)

BACKGROUND AND PURPOSE

During the 83rd Legislature, 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 with completing the project. The council 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.

The Texas Legislative Council 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logical order, employing a numbering system and format that will accommodate later expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law, if practicable--all toward promoting the stated purpose of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.

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

The bill proposes a new chapter of the Code of Criminal Procedure, Chapter 42A, which is a nonsubstantive revision of Article 42.12, Code of Criminal Procedure. The bill is organized into four articles.

Article 1 of the bill codifies Article 42.12, Code of Criminal Procedure, as a new Chapter 42A, Code of Criminal Procedure.

Article 2 of the bill contains conforming amendments to certain other laws as necessary to continue without substantive change provisions of law not codified as part of the proposed chapter. 2

Article 3 of the bill contains the repeal of Article 42.12, Code of Criminal Procedure.

Article 4 of the bill provides that the legislature intends that no substantive change is made by the bill and that the bill takes effect April 1, 2017, in order to provide affected persons a complete legislative cycle to more closely review what the legislature has enacted.

EFFECTIVE DATE

April 1, 2017.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1

Committee Amendment No. 1 makes nonsubstantive changes to conform to S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.