

BILL ANALYSIS

C.S.H.B. 2565
By: Krause
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the vast number of Texas criminal offenses has rendered the law unwieldy and sometimes unjust, with penalties often disproportionate to the severity of the crime. The parties note that no systematic attempt has been made to create consistency among these offenses in two decades, which the parties assert has led to numerous crime and punishment discrepancies. In addition, it was recently recommended that the state establish a mechanism to review sentencing policies and control criminal justice costs. C.S.H.B. 2565 seeks to implement this recommendation and address the issue of outdated criminal laws.

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. 2565 creates a commission to study and review all Texas penal laws other than criminal offenses under the Penal Code, under the Texas Controlled Substances Act, or related to the operation of a motor vehicle. The bill requires the commission to evaluate the laws and make recommendations to the legislature regarding the repeal of laws that are identified as being unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve the intended purpose of the law. The bill establishes the composition and provides for the appointment of the nine-member commission which is required to include representatives of all areas of the criminal justice system. The bill requires the governor, lieutenant governor, the speaker of the house of representatives, the chief justice of the Texas Supreme Court, and the presiding judge of the Texas Court of Criminal Appeals to appoint members of the commission not later than the 60th day after the bill's effective date.

C.S.H.B. 2565 requires the governor to designate one member of the commission to serve as the presiding officer of the commission and requires the commission to meet at the call of the presiding officer. The bill establishes that a member of the commission is not entitled to compensation or reimbursement of expenses. The bill requires the commission, not later than November 1, 2016, to report its findings and recommendations to the appointing officials and legislative committees with primary jurisdiction over criminal justice and to include in the recommendations any specific statutes that the commission recommends revising or repealing.

C.S.H.B. 2565 abolishes the commission and establishes that its provisions expire on December 31, 2016.

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. 2565 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. COMMISSION TO STUDY CERTAIN PENAL LAWS. (a) A commission is created to study and review all penal laws of this state other than criminal offenses:

- (1) under the Penal Code;
- (2) under Chapter 481, Health and Safety Code; or
- (3) related to the operation of a motor vehicle.

(b) The commission shall:

- (1) evaluate all laws described by Subsection (a) of this section; and
- (2) make recommendations to the legislature regarding the repeal of laws that are identified as being unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve the intended purpose of the law.

(c) The commission is composed of nine members appointed as follows:

- (1) two members appointed by the governor;
- (2) two members appointed by the lieutenant governor;
- (3) two members appointed by the speaker of the house of representatives;
- (4) two members appointed by the chief justice of the Supreme Court of Texas; and
- (5) one member appointed by the presiding judge of the Texas Court of Criminal Appeals.

(d) The officials making appointments to the commission under Subsection (c) of this section shall ensure that the membership of the commission includes representatives of all areas of the criminal justice system, including prosecutors, defense attorneys, judges, legal scholars, and relevant business interests.

(e) The governor shall designate one member of the commission to serve as the presiding officer of the commission.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. COMMISSION TO STUDY CERTAIN PENAL LAWS. (a) A commission is created to study and review all penal laws of this state other than criminal offenses:

- (1) under the Penal Code;
- (2) under Chapter 481, Health and Safety Code; or
- (3) related to the operation of a motor vehicle.

(b) The commission shall:

- (1) evaluate all laws described by Subsection (a) of this section; and
- (2) make recommendations to the legislature regarding the repeal of laws that are identified as being unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve the intended purpose of the law.

(c) The commission is composed of nine members appointed as follows:

- (1) two members appointed by the governor;
- (2) two members appointed by the lieutenant governor;
- (3) two members appointed by the speaker of the house of representatives;
- (4) two members appointed by the chief justice of the Supreme Court of Texas; and
- (5) one member appointed by the presiding judge of the Texas Court of Criminal Appeals.

(d) The officials making appointments to the commission under Subsection (c) of this section shall ensure that the membership of the commission includes representatives of all areas of the criminal justice system, including prosecutors, defense attorneys, judges, legal scholars, and relevant business interests.

(e) The governor shall designate one member of the commission to serve as the presiding officer of the commission.

(f) A member of the commission is not entitled to compensation or reimbursement of expenses.

(g) The commission shall meet at the call of the presiding officer.

(h) Not later than ~~November 1, 2014~~2016, the commission shall report the commission's findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, the Supreme Court of Texas, the Texas Court of Criminal Appeals, and the standing committees of the house of representatives and the senate with primary jurisdiction over criminal justice. The commission shall include in its recommendations any specific statutes that the commission recommends revising or repealing.

SECTION 2. APPOINTMENT OF MEMBERS. Not later than the 60th day after the effective date of this Act, the governor, the lieutenant governor, the speaker of the house of representatives, the chief justice of the Supreme Court of Texas, and the presiding judge of the Texas Court of Criminal Appeals shall appoint the members of the commission created under this Act.

SECTION 3. ABOLITION OF COMMISSION. The commission is abolished and this Act expires ~~December 31, 2014~~2016.

SECTION 4. EFFECTIVE DATE. 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, 2013~~2015.

(f) A member of the commission is not entitled to compensation or reimbursement of expenses.

(g) The commission shall meet at the call of the presiding officer.

(h) Not later than ~~November 1, 2014~~2016, the commission shall report the commission's findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, the Supreme Court of Texas, the Texas Court of Criminal Appeals, and the standing committees of the house of representatives and the senate with primary jurisdiction over criminal justice. The commission shall include in its recommendations any specific statutes that the commission recommends revising or repealing.

SECTION 2. Same as introduced version.

SECTION 3. ABOLITION OF COMMISSION. The commission is abolished and this Act expires ~~December 31, 2014~~2016.

SECTION 4. EFFECTIVE DATE. 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, 2013~~2015.