

BILL ANALYSIS

C.S.H.B. 4104
By: Guillen
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties explain that previously enacted legislation intending to clarify the law with regard to justice and municipal courts inadvertently repealed or substantively amended certain provisions, the result of which allowed county governments to keep money from fines imposed in a misdemeanor case that originated in either a municipal court or a municipal court of record. The parties contend that the wording of current law creates confusion with respect to the entity to which fine money is returned in misdemeanor cases on appeal. C.S.H.B. 4104 seeks to eliminate this confusion and clarify the applicable law.

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. 4104 amends the Code of Criminal Procedure to remove from the requirement that the fine imposed in misdemeanor cases on appeal from a municipal court, when collected from the defendant, be paid into the municipal treasury the specification that the case is affirmed on appeal.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4104 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	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Article 44.281, Code of Criminal Procedure, is amended.	SECTION 1. Substantially the same as introduced version.
SECTION 2. The change in law made by	SECTION 2. The change in law made by

84R 27448

15.121.1213

Substitute Document Number: 84R 23840

this Act applies 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 is committed before the effective date of this Act if any element of the offense occurs before the effective date.

SECTION 3. This Act takes effect September 1, 2015.

this Act applies only to a fine or cost imposed on or after the effective date of this Act. A fine or cost imposed before the effective date of this Act is governed by the law in effect on the date the fine or cost was imposed, and the former law is continued in effect for that purpose.

SECTION 3. Same as introduced version.