

BILL ANALYSIS

H.B. 2931
By: Moody
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 83rd Legislature, the House Select Committee on Criminal Procedure Reform recommended that, on an incremental basis, the Code of Criminal Procedure be subject to a nonsubstantive revision each interim and tasked the Texas Legislative Council with implementing the project. The council incorporated the project into its long-standing program related to clarifying and simplifying statutory law as part of its complete nonsubstantive revision of the Texas statutes, which is performed on an ongoing basis as required by the Government Code. H.B. 2931 codifies Articles 18.20 and 18.21, Code of Criminal Procedure, as new Chapters 18A and 18B, Code of Criminal Procedure, respectively, and Chapters 60 and 61, Code of Criminal Procedure, as new Chapters 66 and 67, Code of Criminal Procedure, respectively.

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. 2931 proposes new chapters of the Code of Criminal Procedure, Chapters 18A, 18B, 66, and 67, which are nonsubstantive revisions of Articles 18.20 and 18.21 and Chapters 60 and 61, Code of Criminal Procedure, respectively. The bill is organized into six articles.

- Article 1 of the bill nonsubstantively codifies the following provisions of the Code of Criminal Procedure: Article 18.20, Code of Criminal Procedure, which relates to the detection, interception, and use of wire, oral, and electronic communications, as new Chapter 18A; Article 18.21, Code of Criminal Procedure, which relates to the installation and use of tracking equipment and access to communications, as new Chapter 18B, Code of Criminal Procedure; Chapter 60, Code of Criminal Procedure, which relates to the criminal history record system, as new Chapters 66, Code of Criminal Procedure; and Chapter 61, Code of Criminal Procedure, which relates to the compilation of information pertaining to combinations and criminal street gangs, as new Chapter 67, Code of Criminal Procedure.
- Articles 2, 3, and 4 of the bill contain conforming amendments to certain other laws as necessary to continue without substantive changes to statutory provisions not codified as part of the proposed chapters.
- Article 5 of the bill contains the repeal of Articles 18.20 and 18.21 and Chapters 60 and 61, Code of Criminal Procedure.

- Article 6 of the bill provides that the bill is intended as a codification only, that no substantive change in the law is intended by the bill, and that the bill takes effect April 1, 2019.

EFFECTIVE DATE

April 1, 2019.