

## **BILL ANALYSIS**

H.B. 3515  
By: Gervin-Hawkins  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Informed observers express a need for alternative responses to situations that might otherwise result in a defendant being brought before a magistrate for certain Class B misdemeanors. H.B. 3515 seeks to address this issue by authorizing a peace officer to divert certain alleged offenders to agencies or approved service providers for disposition of their case.

### **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. 3515 amends the Code of Criminal Procedure to authorize a peace officer to dispose of a case based on a Class B misdemeanor without taking the alleged offender before a magistrate if the disposition is authorized by and is performed in accordance with guidelines adopted by either the district judges trying criminal cases in each judicial district of the county in which the alleged offender is arrested and the statutory county court judges trying criminal cases in the county or counties served by the judicial districts or the community justice council serving the county in which the alleged offender is arrested and if the peace officer makes a written report of the officer's disposition to the officer's employing agency, identifying the alleged offender and specifying the grounds for the disposition. The bill makes the authorization to dispose of such a case inapplicable to a Class B misdemeanor offense for assault; enticing a child; false identification as a peace officer and misrepresentation of property; failure to identify; disorderly conduct; rioting; driving, flying, boating, or assembling or operating an amusement ride while intoxicated; or fleeing or attempting to elude a police officer.

H.B. 3515 authorizes the guidelines adopted under the bill's provisions to allow a peace officer to dispose of a case by issuing a warning; referring an alleged offender to a governmental agency other than a court; or referring an alleged offender to one or more service providers on a list approved by the judges or the community justice council that adopted the guidelines. The bill prohibits such guidelines from allowing a law enforcement agency to keep an alleged offender in custody or to require an alleged offender to report periodically to a peace officer or a law enforcement agency or any other governmental agency. The bill requires a law enforcement agency that is authorized to dispose of a case by such guidelines to report not later than January 31 of each year to the judges or the community justice council that adopted the guidelines the number and kind of dispositions made during the preceding calendar year by the law enforcement agency and any other information requested by the judges or council.

**EFFECTIVE DATE**

September 1, 2017.