

BILL ANALYSIS

H.B. 828
By: Rose
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted with growing concern that taxpayers and local governments are facing rising costs associated with certain misdemeanants confined in jail or prison before sentencing. There have been growing calls to reduce incarceration rates for nonviolent individuals who are not unduly impacting public safety. H.B. 828 seeks to decrease the costs associated with managing certain jail and prison populations by diverting low-risk, nonviolent individuals away from local jails and prisons.

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. 828 amends the Code of Criminal Procedure to require a justice of the peace or judge, in imposing a fine and costs in a case involving a misdemeanor punishable by only a fine, to credit the defendant for any time the defendant was confined in jail or prison while serving a sentence for another offense if that confinement occurred after the commission of the misdemeanor. The bill specifies that such credit is in addition to the credit awarded to a defendant for time spent in jail between arrest and sentence or pending appeal. The bill applies to a defendant who is sentenced for an offense on or after the bill's effective date, regardless of whether the offense is committed before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2019.