

## **BILL ANALYSIS**

Senate Research Center  
86R8528 MAW/AJZ-D

H.B. 4173  
By: Leach (Kolkhorst)  
Criminal Justice  
5/12/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Legislative Council is required by law to carry out a nonsubstantive revision of the Texas statutes in an effort to make the statutes more accessible, understandable, and usable without altering the sense, meaning, or effect of the law. H.B. 4173 seeks to provide for the nonsubstantive revision of certain provisions of the Code of Criminal Procedure.

H.B. 4173 amends current law relating to the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Attorney General (attorney general) and the Department of Public Safety is rescinded in SECTION 3.01 (Article 56.065, Code of Criminal Procedure) of this bill.

Rulemaking authority previously granted to the attorney general is rescinded in SECTION 3.01 (Articles 56.065, 56.33, 56.42, 56.541, 56.83, 56.89, and 56.93, Code of Criminal Procedure) of this bill.

Rulemaking authority previously granted to the attorney general and the comptroller of public accounts of the State of Texas is rescinded in SECTION 3.01 (Article 56.542, Code of Criminal Procedure) of this bill.

### **SECTION BY SECTION ANALYSIS**

ARTICLE 1. NONSUBSTANTIVE REVISION OF CERTAIN PROVISIONS OF THE CODE  
OF CRIMINAL PROCEDURE  
(Pages 1–159 of this bill.)

CHAPTER 7B. PROTECTIVE ORDERS (Pages 3–11)

CHAPTER 19A. GRAND JURY ORGANIZATIONS (Pages 11–24)

CHAPTER 20A. GRAND JURY PROCEEDINGS (Pages 25–38)

CHAPTER 56A. RIGHTS OF CRIME VICTIMS (Pages 39–78)

CHAPTER 56B. CRIME VICTIMS' COMPENSATION (Pages 78–128)

CHAPTER 58. CONFIDENTIALITY OF IDENTIFYING INFORMATION AND  
MEDICAL RECORDS OF CERTAIN CRIME VICTIMS (Pages 128–159)

ARTICLE 2. CONFORMING AMENDMENTS  
(Pages 159–206 of this bill.)

ARTICLE 3. REPEALER  
(Pages 206–207 of this bill.)

SECTION 3.01. Repealer: Article 6.08 (Protective Order Prohibiting Offense Caused by Bias or Prejudice), Code of Criminal Procedure.

Repealer: Article 6.09 (Stalking Protective Order), Code of Criminal Procedure.

Repealer: Chapter 7A (Protective Order For Victims of Sexual Assault or Abuse, Stalking, or Trafficking), Code of Criminal Procedure.

Repealer: Chapter 19 (Organization of Grand Jury), Code of Criminal Procedure.

Repealer: Chapter 20 (Duties and Powers of the Grand Jury), Code of Criminal Procedure.

Repealer: Chapter 54 (Miscellaneous Provisions), Code of Criminal Procedure.

Repealer: Chapter 56 (Rights of Crime Victims), Code of Criminal Procedure.

Repealer: Chapter 57 (Confidentiality of Identifying Information of Sex Offense Victims), Code of Criminal Procedure.

Repealer: Chapter 57A (Confidentiality of Identifying Information of Victims of Stalking), Code of Criminal Procedure.

Repealer: Chapter 57B (Confidentiality of Identifying Information of Family Violence Victims), Code of Criminal Procedure.

Repealer: Chapter 57C (Sealing of Court Records Containing Medical Information For Certain Child Victims), Code of Criminal Procedure.

Repealer: Chapter 57D (Confidentiality of Identifying Information of Victims of Trafficking of Persons), Code of Criminal Procedure.

#### ARTICLE 4. GENERAL MATTERS (Page 207 of this bill.)

SECTION 4.01. Provides that this Act is enacted under Section 43, Article III, Texas Constitution. Provides that this Act is intended as a codification only, and no substantive change in the law is intended by this Act.

SECTION 4.02. (a) Provides that Chapter 311, Government Code (Code Construction Act), applies to the construction of each provision in the Code of Criminal Procedure that is enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), in the same manner as to a code enacted under the continuing statutory revision program, except as otherwise expressly provided by the Code of Criminal Procedure.

(b) Provides that a reference in a law to a statute or a part of a statute in the Code of Criminal Procedure enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), is considered to be a reference to the part of that code that revises that statute or part of that statute.

SECTION 4.03. Effective: January 1, 2021.