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| BILL ANALYSIS |

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| H.B. 3016 |
| By: Moody |
| State Affairs |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE** Criminal justice advocates and criminal law practitioners across the state have raised concerns regarding the governor's authority to suspend the provisions of any regulatory statute after declaring a state of disaster. Specifically, these parties have pointed to how that authority was used during the COVID-19 pandemic to suspend certain rights and procedures outlined in the Code of Criminal Procedure and Penal Code. H.B. 3016 seeks to address these concerns by prohibiting a disaster-related executive order, proclamation, or regulation from suspending a provision in the Code of Criminal Procedure or Penal Code. |
| **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. 3016 amends the Government Code to prohibit an executive order, proclamation, or regulation issued by the governor under the Texas Disaster Act of 1975 from suspending a provision in the Code of Criminal Procedure or Penal Code.  |
| **EFFECTIVE DATE** On passage, or, if the bill does not receive the necessary vote, September 1, 2021. |