

## **BILL ANALYSIS**

H.B. 1352  
By: Crockett  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The number of people detained in jail pending trial has increased dramatically since the 1980s and has contributed to unnecessary overcrowding in jails. People detained in jail during this time are usually held because they cannot afford to pay cash bail, which disproportionately affects low-income individuals. Research has shown that releasing these individuals has virtually no impact on public safety since they are not likely to commit additional crimes and it has been noted that the relevant law has not been amended or updated in over 40 years, long before technological advancements which allow for cases to be filed more expeditiously. H.B. 1352 seeks to address this issue by reducing the amount of time a person may be detained in jail pending trial without formal charges being brought by the state.

### **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. 1352 amends the Code of Criminal Procedure to shorten the period within which a defendant who is detained in jail pending trial must be released if the state is not ready for the defendant's criminal trial. The bill revises the maximum detention periods for these defendants, which begin on the commencement of the detention, as follows:

- from 90 days to 60 days for a defendant accused of a felony;
- from 30 days to 10 days for a defendant accused of a misdemeanor punishable by imprisonment in jail for more than 180 days;
- from 15 days to 5 days for a defendant accused of a misdemeanor punishable by imprisonment in jail for 180 days or less; and
- from 5 days to 3 days for a defendant accused of a fine-only misdemeanor.

### **EFFECTIVE DATE**

September 1, 2021.