

## **BILL ANALYSIS**

C.S.H.B. 3988  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, municipal and justice courts are unable to appoint an attorney pro tem for the state if the state is not represented by counsel when the case is called for trial. C.S.H.B. 3988 provides this authority.

### **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**

C.S.H.B. 3988 amends the Code of Criminal Procedure to authorize a justice or judge to appoint any competent attorney as an attorney pro tem to represent the state when the state is not represented by counsel when a case for the prosecution of a misdemeanor offense is called for trial. The bill establishes that an attorney appointed in this manner is qualified to perform the duties of the office of the state's attorney and that the attorney may be paid a reasonable fee for performing those duties. The bill authorizes the justice or judge of a court having jurisdiction of a fine-only misdemeanor case that involves family violence to order a law enforcement officer to use the uniform incident fingerprint card to take the fingerprints of an offender who is charged with the misdemeanor but was not placed under custodial arrest at the time of the offense. The bill's provisions apply only to a misdemeanor case that is initially filed in a justice or municipal court on or after the bill's effective date regardless of whether the alleged offense was committed before, on, or after that date.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3988 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the applicability of the bill's provisions from applying to a trial that begins on or after the bill's effective date to applying when a case is initially filed in an applicable court on or after the bill's effective date.

The substitute does not include the condition from the original that qualifies an appointed attorney to perform the duties of the office on the attorney's filing of an oath with the clerk of the court.

The substitute includes a provision not in the original that authorizes the justice or judge of a court having jurisdiction of a fine-only misdemeanor case that involves family violence to order a law enforcement officer to use the uniform incident fingerprint card to take the fingerprints of the offender.