

BILL ANALYSIS

H.B. 4504
By: Moody
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Legislative Council (TLC) is required by Section 323.007, Government Code, to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law, if practicable—all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law. In 1965, TLC adopted a long-range plan of compiling the law into subject-matter codes. When the program is complete, all general and permanent statutes will be included in one of 27 codes.

H.B. 4504 is the latest in a long-range project by the council to modernize the Code of Criminal Procedure without substantive change. The project for the 88th Texas Legislature revises laws governing general duties of officers, venue, change of venue, justice and municipal courts, and expunction of criminal records. TLC has provided the draft to numerous stakeholders, including the Office of the Attorney General and associations representing law enforcement, prosecutors, and defense attorneys. TLC reports that, to date, no stakeholders have expressed any reservations regarding the draft.

H.B. 4504 is a nonsubstantive revision of Texas law. The substance of the law has not been altered. The sole purpose of these provisions is to compile the relevant law, arrange it in a logical fashion, and rewrite it without altering its meaning or legal effect. If a particular source statute is ambiguous and the ambiguity cannot be resolved without a potential substantive effect, the ambiguity is preserved.

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. 4504 provides for the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments to that and other codes, and is composed of four articles, which are detailed below:

- Article 1 amends the Code of Criminal Procedure to make nonsubstantive revisions by, among other provisions, establishing the following new chapters:
 - Chapter 2A – Officers; Powers and Duties;

- Chapter 2B – Law Enforcement Interactions with Public;
- Chapter 13A – Venue;
- Chapter 31A – Change of Venue;
- Chapter 45A – Justice and Municipal Courts; and
- Chapter 55A – Expunction of Criminal Records;
- Article 2 amends the Agriculture Code, Alcoholic Beverage Code, Business & Commerce Code, Civil Practice and Remedies Code, Code of Criminal Procedure, Education Code, Election Code, Family Code, Government Code, Health and Safety Code, Human Resources Code, Labor Code, Local Government Code, Occupations Code, Penal Code, Parks and Wildlife Code, Transportation Code, Tax Code, and Water Code to make conforming amendments as necessary to continue other provisions of law without substantive change;
- Article 3 repeals Subchapter N, Chapter 1701, Occupations Code, as well as the following provisions of the Code of Criminal Procedure:
 - Articles 2.01, 2.02, 2.021, 2.022, 2.023, 2.024, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.12, 2.121, 2.122, 2.123, 2.124, 2.125, 2.126, 2.127, 2.13, 2.1305, 2.131, 2.132, 2.133, 2.134, 2.136, 2.137, 2.138, 2.1385, 2.1386, 2.1387, 2.139, 2.1395, 2.13951, 2.1396, 2.1397, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.195, 2.20, 2.21, 2.211, 2.212, 2.22, 2.23, 2.25, 2.251, 2.27, 2.271, 2.272, 2.273, 2.28, 2.29, 2.295, 2.30, 2.305, and 2.32;
 - Article 2.03(a);
 - Article 2.31, as added by Chapters 176 (S.B. 604) and 1341 (S.B. 1233), Acts of the 82nd Legislature, Regular Session, 2011;
 - Article 2.33, as added by Chapters 534 (S.B. 69), 979 (S.B. 2212), and 1011 (H.B. 1758), Acts of the 87th Legislature, Regular Session, 2021;
 - Article 3.05; and
 - Chapters 13, 31, 45, and 55; and
- Article 4 relates to general matters and provides the following:
 - the bill is enacted under Section 43, Article III, Texas Constitution, and is intended as a codification only with no substantive change in the law intended;
 - the Code Construction Act applies to the construction of each provision in the Code of Criminal Procedure enacted by the bill as part of the continuing statutory revision program; and
 - a reference in a law to a statute or a part of a statute in the Code of Criminal Procedure enacted as part of 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.

EFFECTIVE DATE

January 1, 2025.