

## **BILL ANALYSIS**

S.B. 402  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In recent months, there have been increasing reports of defendants in several counties facing murder and capital murder charges waiting years for hearings and trials. This is often due to courts being backlogged from the COVID-19 pandemic and judge shortages, among other reasons. The Senate Criminal Justice Committee heard testimony in December from a capital murder defendant who was held in jail for five years due to such delays, before eventually being released on bond. These delays have drawn increasing complaints from city and county law enforcement officials, prosecutors, victims' families, and criminal defense lawyers. Several cases have shown that the longer it takes for a case to come to trial, the higher the chance that evidence will be lost, key witnesses will disappear, and prosecutions will be impaired. Magistrates might also be more likely to release violent-crime defendants on bond due to jail over-crowding and other issues related to the backlog. S.B. 402 seeks to address these issues by requiring trial courts to give preference to scheduling and holding trials for defendants charged with murder and capital murder. Courts already are allowed to give preference to temporary injunctions and cases involving family violence, and this measure would expand that preference to include the state's most serious violent crimes.

### **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**

S.B. 402 amends the Government Code to include murder and capital murder among the offenses to which trial courts must give preference over other criminal actions when setting hearings and trials.

### **EFFECTIVE DATE**

September 1, 2023.