

BILL ANALYSIS

Senate Research Center
88R6629 MAW-F

S.B. 610
By: Hughes
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 610 aims to discourage delegates to the Convention from making unauthorized votes by making such an action a state jail felony. If a judge grants community supervision, then the defendant shall spend at least 10 days in county jail as a condition of that community supervision. If the community supervision is revoked, the term of confinement will not count towards the completion of the sentence imposed.

By making this a state jail felony, an offending delegate will be unable to serve as a State Representative or State Senator; therefore deterring would-be delegates from making an unauthorized vote.

As proposed, S.B. 610 amends current law relating to an unauthorized vote by a delegate or alternate delegate to a federal Article V convention and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 393, Government Code, by adding Section 393.1035, as follows:

Sec. 393.1035. CRIMINAL PENALTY. (a) Provides that a delegate or alternate delegate commits an offense if the delegate or alternate delegate knowingly casts an unauthorized vote.

(b) Provides that an offense under this section is a state jail felony.

(c) Requires a judge granting community supervision to a defendant convicted of an offense under this section to require as a condition of community supervision that the defendant submit to not less than 10 days of confinement in county jail. Prohibits the term of confinement served under this subsection, if a sentence of confinement is imposed on the revocation of community supervision, from being credited toward completion of the sentence imposed.

SECTION 2. Effective date: September 1, 2023.