

BILL ANALYSIS

H.B. 749
By: Dutton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that the failure of a police officer who issues a traffic ticket to show up for trial often leads to the municipal court judge resetting the case, rather than dismissing the matter altogether. Conversely, reports from informed observers indicate that when an accused fails to show up for trial, the judge tends to find the accused guilty and assess a punishment. H.B. 749 seeks to bring balance to the justice system by providing for the dismissal of certain traffic tickets when the accusing police officer fails to appear on the trial date.

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. 749 amends the Code of Criminal Procedure to require a judge, for any offense that is within the jurisdiction of a municipal court, to dismiss a case with prejudice if a peace officer fails to appear in connection with the offense when the case is called to trial. The bill prohibits the judge from continuing the case for the sole reason of any failure to appear by the officer.

EFFECTIVE DATE

September 1, 2015.