

BILL ANALYSIS

H.B. 383
By: Murphy
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the absence of an automatic penalty category enhancement for repeat misdemeanor offenders enables some of these offenders to receive minimal jail sentences and quickly return to the community without a possible period of rehabilitation. H.B. 383 seeks to establish penalty enhancements for certain repeat and habitual offenders and provide judges more discretion in assessing rehabilitation and treatment options for these offenders.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 383 amends the Penal Code to enhance from a Class A misdemeanor to a state jail felony the penalty for an offense that is otherwise a Class A misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted four or more times of a Class A misdemeanor or any degree of felony; that at least one such previous conviction was of a felony; and that each of the previous offenses was committed in the 10-year period preceding the date of commission of the instant offense. The bill excludes a state jail felony resulting from such an enhancement from use for enhancement purposes under statutory provisions enhancing the penalty or punishment, as applicable, for certain repeat and habitual felony offenders with specified previous felony convictions.

H.B. 383 includes a previous conviction of two state jail felonies resulting from the bill's enhancement of a Class A misdemeanor offense among the state jail felony convictions used as the basis for the enhancement of certain state jail felonies to a third degree felony for certain repeat and habitual misdemeanor offenders. The bill excludes a previous conviction for a state jail felony resulting from the bill's enhancement from the previous felony convictions that may be used as the basis for the enhancement of certain state jail felonies to a second degree felony for those offenders.

H.B. 383 amends the Code of Criminal Procedure to include a conviction of a state jail felony resulting from the bill's enhancement of a Class A misdemeanor offense among the convictions for which a judge may suspend the imposition of the defendant's sentence and place the defendant on community supervision or order the sentence to be executed in whole or in part with a period of community supervision. The bill includes a conviction of a state jail felony

resulting from the bill's enhancement of certain Texas Controlled Substances Act offenses among the convictions for which a judge is required to suspend the imposition of the defendant's sentence and place the defendant on community supervision.

EFFECTIVE DATE

September 1, 2017.