

BILL ANALYSIS

H.B. 3016
By: Moody
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Criminal justice advocates and criminal law practitioners across the state have raised concerns regarding the governor's authority to suspend the provisions of any regulatory statute after declaring a state of disaster. Specifically, these parties have pointed to how that authority was used during the COVID-19 pandemic to suspend certain rights and procedures outlined in the Code of Criminal Procedure and Penal Code. H.B. 3016 seeks to address these concerns by prohibiting a disaster-related executive order, proclamation, or regulation from suspending a provision in the Code of Criminal Procedure or Penal Code.

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. 3016 amends the Government Code to prohibit an executive order, proclamation, or regulation issued by the governor under the Texas Disaster Act of 1975 from suspending a provision in the Code of Criminal Procedure or Penal Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.