

BILL ANALYSIS

H.B. 836
By: Dutton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the underlying charge or search does not need to be proven when charging a person with resisting arrest, meaning that charges for resisting arrest are often based largely on the opinion and credibility of the arresting officer. This can lead to the practice of filing the charge under questionable circumstances or using it as a "fallback" charge when no other crime occurred. H.B. 836 seeks to address this issue by requiring the charging instrument in the prosecution of an offense for resisting arrest to state the underlying offense for which the person was resisting arrest.

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. 836 amends the Code of Criminal Procedure to require the complaint, information, or indictment in the prosecution of a criminal case in which the sole allegation is that a person has resisted arrest to state the underlying offense for which the person was resisting arrest.

EFFECTIVE DATE

September 1, 2021.