

SUBJECT: Separate felony and misdemeanor charges against same defendant.

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Peña, Riddle, Escobar, Hodge, Mallory Caraway, Talton
0 nays
3 absent — Vaught, Moreno, Pierson

WITNESSES: For — Kristin Etter, Texas Criminal Defense Lawyers Association
Against — None

BACKGROUND: Code of Criminal Procedure, Art. 4.05 grants district courts and criminal district courts original jurisdiction in criminal cases involving felonies and misdemeanors. Code of Criminal Procedure, Art. 4.07 provides that county courts have original jurisdiction of all misdemeanors that are not given to justice courts.

DIGEST: HB 3561 would amend the Code of Criminal Procedure, adding Art. 4.065 to allow a district court concurrent jurisdiction with a county court or a county court at law to hear and dispose of a misdemeanor case pending at the same time against a defendant in a felony case or to receive a guilty plea on the misdemeanor, whether or not the misdemeanor case was transferred to the court. The court's judgment, order, or action would be valid and binding as if the misdemeanor had been included in the indictment or complaint filed in the felony case.

HB 3561 would apply only to counties with a criminal district attorney. The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS SAY: HB 3561 would help speed the judicial process and alleviate the backlog in the court system by eliminating the requirement that felony and misdemeanor cases be heard in two different courts by two different judges. The difference in court dockets could mean that a defendant may

have to wait a month or more to have the other case heard. The bill would help provide more consistency in punishment by having one judge hearing both cases.

OPPONENTS
SAY:

No apparent opposition