

BILL ANALYSIS

Senate Research Center

S.B. 114
By: Brown
Criminal Justice
2-11-97
Committee Report (Amended)

DIGEST

Currently, Texas law does not provide standards for reversing judgments in criminal cases on appeal. This has led to appellate courts overturning convictions because of errors which occurred at the trial court level which have no bearing upon the guilt or innocence of the defendant. This bill will prohibit appellate courts from reversing a judgment in a criminal action unless it is shown that the error was of such constitutional dimension as to materially affect the verdict or sentence the defendant received.

PURPOSE

As proposed, S.B. 114 prohibits appellate courts from reversing a judgment in a criminal action unless it is shown that the error was of such constitutional dimension as to materially affect the verdict or sentence the defendant received.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 44.25, Code of Criminal Procedure, as follows:

Art. 44.25. New heading: GROUND FOR REVERSAL. Prohibits the courts of appeals or the Court of Criminal Appeals (courts) from reversing a judgment in a criminal action on the basis of an error of less than constitutional dimension, unless the record shows that it is more probable than not that the error materially affected the verdict or sentence to the detriment of the appealing party. Requires the courts to reverse judgment in a criminal action on the basis of an error of constitutional dimension unless the record shows beyond a reasonable doubt that the error made no contribution to the conviction or to the punishment.

SECTION 2. Provides that under the terms of Section 22.108(b), Government Code, Rule 81(b)(2), Texas Rules of Appellate Procedure, is disapproved.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Article 44.25, Code of Criminal Procedure, by deleting Subsection (b).