

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1218
By: Patterson
Criminal Justice
4-8-97
Committee Report (Substituted)

DIGEST

Currently, Section 32.41 of the Penal Code defines the offense of passing a bad check but does not define venue. This legislation allows for the collection of bad checks in the county in which the offense was committed, or if the victim of the alleged offense receives the check or similar sight order by mail or similar delivery service, in any justice court precinct in which the victim receives the check or in which the victim is located, if the victim is a business entity and receives the check in a county other than the county in which the victim is located.

PURPOSE

As proposed, C.S.S.B. 1218 establishes the venue for the prosecution of the offense of issuing a bad check.

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 Chapter 13, Code of Criminal Procedure, by adding Article 13.26, as follows:

Sec. 13.26. ISSUANCE OF BAD CHECK. Authorizes an offense under Section 32.41, Penal Code, regarding issuance of a bad check, notwithstanding Articles 4.12 and 45.22, to be tried in any justice court precinct in the county in which the offense was committed, or if the victim of the alleged offense receives by mail or similar delivery service the check or similar sight order issued or passed by the defendant, in any justice court precinct in the county in which the victim receives the check or similar sight order; or in which the victim is located, if the victim is a business entity and receives the check or similar sight order in a county other than the county in which the victim is located.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Article 13.26, Code of Criminal Procedure, to change the location at which an offense under Section 32.41, Penal Code, may be tried if the victim of the alleged offense receives by mail or similar delivery service the check or similar sight order issued or passed by the defendant.