

BILL ANALYSIS

Senate Research Center

S.B. 1827
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Criminal Justice
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As Filed

DIGEST

Currently, according to 1990 census data, more than 25 percent of Texans are of Hispanic origin. Moreover, a majority of Hispanics in Texas speak a language other than English at home. However, in 1995 the Court of Criminal Appeals of Texas ruled that denying a defendant community supervision based on the person's inability to speak English was constitutionally permissible. This legislation prohibits a judge or jury from denying a defendant community supervision based on the defendant's race, ethnicity, alienage, national origin, sex, religion, disability, age, social economic status, or inability to speak, read, write, hear, or understand a particular language in order to ensure that Texas' criminal justice policies and practices do not unfairly discriminate against individuals who speak a language other than English.

PURPOSE

As proposed, S.B. 1827 establishes the characteristics of a defendant that may not be used by a judge or jury to deny community supervision, and to characteristics of a defendant that may not be used by a prosecutor to urge a judge or jury to deny community supervision.

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 Section 3, Article 42.12, Code of Criminal Procedure, to prohibit a defendant from being denied community supervision by a judge or jury because of a defendant's race, ethnicity, alienage, national origin, sex, religion, disability, age, social economic status, or inability to speak, read, write, hear, or understand a particular language. Requires the charge of the court under the provisions of Articles 36.14 and 36.16 to include instructions as to the provisions of this section. Provides that no prosecutor shall urge a judge or jury to deny a defendant community supervision based on a defendant's race, ethnicity, alienage, national origin, sex, religion, disability, age, social economic status, or inability to speak, read, write, hear, or understand a particular language.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.